The Police Magazine.

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18 SEP 1921

Our Crest.

Is the world whose greatest ornament is the British Empire "broad-based on the people's will," containing within it and enfolding it on all sides, Mother India, the brightest Jem in that great ornament. The Empire with India in its bosom rests trustfully on "A" the Almighty Father of all. Our initial letters are M. P. S. C. A. V. In the monogram these are so disposed as to carry with them a certain spiritual significance with which we need not trouble our readers at present. Briefly, the letters P. C. S. and A. M. C, horizontal and perpendicular respectively, form a cross, the first line standing for peace, contentment and security, while the cutting line is an invocation to the All-Mighty Creator, to make peace, contentment and security permanent in India.

Also,—P. C. S., stands for Practically Co-operating Sub-Inspectors. The letters also stand for Police Co-operative Societies, which is one of the activities of the Sub-Inspectors.

P. S. A.,—Police Sub-Inspectors Association, and also Police Subordinate officers association.

V. M. C. with V on either side—Victoria's Magna Charta which is the ...light towards which all Reforms ...Reformers are steadily tending.

Besides, the inverted contact of ...wo triangles M and C V V, the con... and the contained, stands for ...ative stimulus of the universe ...ng on the Maternal passivity, ...ce all that we conceive of as ...e and progressive in this world. In the laboratory we see that unless the two magnetic poles of a battery are brought into contact, nothing comes out of the cells working each by itself. Similarly, it is the contact of India's willing submission to England at its very centre, that has endowed this land of immemorial passivity with the pulsating desire to march abreast of the quickening events of the day. Last but not least, the all-embracing catholicity of the Association is illustrated by the fact that the initial letters of Parsis, Christians, Sanatanists, Vedantists, Muhammadans and Animists, inlay the monogram like precious stones here and there.

In fact, it is the convergence of several persuasions and sectarian interests in the one common purpose of United work for India's welfare, that our Crest is intended to signify, and our humble prayer to the Almighty is that its deep, occult under-thought may find its practical realisation more and more as days roll on.

OURSELVES.

To day when organisation is everywhere in the air, no apology is needed on the part of the Subordinate Police officers of the Presidency for closing up their ranks and taking counsel of each other for their ultimate betterment. In fact, the Police officers of the Presidency have not been in the field a day too soon. We well remember how the far-sighted energy of a single Sub-Assistant Surgeon, the late P. S. Ramachandra Iyer of the Mysore Medical Service, resulted in the formation of

an All-India Sub-Assistant Surgeon's Association about ten years ago, and how through the medium of its excellent monthly, the Association has been doing yeoman service in the cause of the Subordinate medical officers. The latter's case is not, and has never been so bad as that of the Police officers, in as much as private practice, to some extent, has been the former's privilege. Not so with the Police officers, especially with the Sub-Inspectors. Burdened with heavy station work coupled with the management of often unruly constables, harassed by investigations cropping up every hour, and frequent attendance at courts, these hapless officers have barely a moment they can call their own, much less freedom to undertake private detective work, even if the government allowed them to do so. Their emoluments are so inadequate, it is with the utmost difficulty that they could manage to keep up the status that is theirs. This was so even in the pre-war days. How much more edged, the situation has become of late, is not a very hard matter to imagine. In saying this, we are aware that Government have just now sanctioned an increase in the pay of the cadre. But this is neither the time nor the place to prove how the increase falls far short of reasonable expectations.

Not only this; there are so many other matters in which the Sub-Inspectors and their subordinates need timely and generous relief. It goes without saying that the S. I's form the pivot on which the whole police work moves, still, the time has evidently not yet come, when the Government are prepared to envisage the problem in its entirety with a view to reform. It is to help government in this task of justice that our Association and this journal, its mouthpiece, are started, which, with God's blessing and Government's sympathy, will, we trust, take root and grow into healthy organisms. It may not be out of place here to make brief extracts from the paper read by Sir J. G. Cumming, K.C.I.E., C. S. I., late of the Viceroy's Executive Council, on "Crime and Police in India" and published in the *Journal of the East India Association*, London, in its issue for April 1921. Further extracts are printed as appendix No. I elsewhere.

(1) The rise in the cost of living in recent years is a well known handicap in the matter of recruitment"

(2) The ideal is, of course, to fill the ranks with contented, competent, and self-respecting men.

(3) The Sub-Inspector is the head officer at each police station....He is the real centre around which all revolve: the lesser luminaries, the constables, are his agents, while the higher officers make their tours with the periodicity of planets and occasionally with the eccentricity of comets.

(4) Referring to the Provincial Training Schools :—

It was hoped, in the case of th[illegible] investigating staff, that the t[illegible] corruption would gradually be elimi[illegible]ed, as men were recruited of better s[illegible] status and better morals......In M[illegible] as might be expected, the standa[illegible] literacy is very high........The obj[illegible] the result of the curricula ha[illegible] to produce better qualified [illegible] of the public.

(5) But there is very general evidence that the recruitment of a superior type, combined with improved training is steadily improving the morale of the force and the respect in which it is held by the general public.

(6) Both during and since the War, India has had some sore trials: unrest, actual disorder, anarchical outbreaks, inter-religious conflict, serious scarcity, economic strain owing to high prices and a disastrous outbreak of influenza. It speaks volumes for the respect and loyalty which British officers have inspired among their Indian Colleagues and subordinates in the police forces, when it is found that the Indian police forces passed through the strain not only with satisfaction, but with credit, in the control of crime, though depleted in numbers and depressed by sickness and anxiety.

Now, as regards the journal, it will consist of two parts viz, Journal and Reports of Decided cases. The first will comprise, besides Editorial Notes, contributions mostly from the pens of Police officers on matters and experiences touching their work and its incidents, special contributions on crime and crimonology both in their preventive and prosecuting aspects, short stories illustrating the vicissitudes of detection, interesting extracts about Police work elsewhere and correspondence. Section 2 will mostly consist of extracts of important decisions by ourts having a bearing on Police ork in general. The journal will try its best to secure now and , short biographical sketches inent Police officers to serve as s to the younger men in service, , and stern devotion to duty,

Passing on to the attitude which the Association has enjoined upon the Editor of the journal, both towards the Government, and the Public, in a few words, it is that of absolute loyalty to the one and frank helpfulness to the other. So long as its members deliberately choose to enter its ranks and to eat its salt, they must feel that their foremost duty is implicit obediance to the giver of the salt. The Police Department is the protecting and punishing arm of the Government; as such, a discipline of considerable rigour ought to and does pervade its ranks.

In conclusion, we cannot do better than adapt an important sentence from the Association Secretary's foreword to the printed Proceedings of the First conference held on 20-2-1921.

"The object of this Association is to create collective ideas on all matters concerned and communicate them to all members of the Association and to their Superiors, so that there might be uniformity of outlook leading to universal love among the subordinate Police officers. With this ideal in view they must conduct themselves in the best manner required, so as to enlist the sympathy of their superiors and of the public. In short, what they must aim at cultivating is sympathy towards subordinates, love for the people in general and for their co-officers, respect for Superiors, and loyalty to the crown."

These objects could be achieved only through the medium of a topical periodical, which while keeping open a constitutional platform for the ventilation af the legitimate grievances of the subordinate Police officers, serves

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also as a *via media* for informal instruction and enlightenment in various ways of the large number of subordinate Police officers in India.

We pray to God Almighty that our efforts are crowned with success.

Editor.

M. R. Ry, DEWAN BAHADUR P. PARANKUSAM NAIDU Garu, I. S. O

If there is any department under Goverment without which, the Rulers and the Ruled cannot get on, it is the Police Department. Without the Police Department there can be no ordered Goverment. Why? The reason is not far to seek. Whether the Goverment and the people, we mean, the Rulers and the Ruled, admit it or no, we can boldly assert without fear of contradiction that it is the Police Department and that department alone that serves the best interests of the people and Goverment alike. In this country, the Police are the eyes, ears and limbs of Goverment and also ever-ready help mates in time of need.

What is it the people want; and what is it that the best of Goverments can and ought to be able to give them?. The people want enough to eat, and put on and to lay by something for the winter that they may live. They also, want the safety of their person and property secured that they might follow their pursuits in life undisturbed; in short, they want peace and protection. Goverments fall or rise in the estimation of the people as they are able to confer these on their people and the only medium through which the Goverments can secure the safety of person and property of the people is by *their* Police We say *their* Police, because the Police in this country is directly under the control and pay of the Goverment. Then, what are the ideals, if not, ideals of peaca and protection to the people and safety to Government that the Police must ever strive after ? They have to serve two masters. The position of the Police, here, as servants of the Rulers and the Ruled renders the nature of their work most difficult and at the same time important. What sterling rectitude, sincere sympathy and strict impartiality every Police officer has to display in the discharge of his arduous duties can better be imagined than described. In the case of controlling officers of Police it is still more complex and difficult and they require, in addition to the above, *Patience,* Perseverance and forbearance to a very considerable degree, if they should but make an honest effort to discharge their duties honestly and efficiently without rendering their appointments sinecure, which we now find to be the general rule rather than the exception.

The controlling officers make or mar their subordinates; in fact the subordinates are the eyes, ears, and limbs of the controlling officers and it all depends upon how the latter use the former whether their elaqa is made a hell or heaven. It is a huge mistake to think that the interest of the peo[illegible] ple are opposed to or are conflicti[illegible] with those of the Goverment. T[illegible] safety of Goverment is in direct [illegible] portion to the peace and prot[illegible] which the people enjoy under [illegible] Goverment depends upon its [illegible]

ling officers for the securing of that peace and protection which may reasonably be demanded of them by the people. The peace and protection that the controlling officers of Police can confer upon the people is again in direct proportion to the confidence their subordinates have in them and the control that confidence can admit of. The ideals for which the controlling officers should strive, therefore, are that their subordinates should have complete confidence in them, that they themselves should have complete control over their subordinates and that the Police of their *elaqa* should recognize them as strong and sympathetic protectors and friends. The confidence which subordinates place in their cotrolling officers is in direct propertion to the care the latter devote to the welfare of the former. Each subordinate should feel that his prospects are safe in his controlling officer's hands. Without that confidence which implies right guidance, control is impossible and the public can have no confident belief in the controlling officers who cannot control their subordinates and the Government is only too watchful to let go unnoticed such constrolling officers as are really able to command not only the confidence of the subordinates but also of the people. In short, great is the regard the Government, the subordinates and the people have for such controlling officers of Police. The ideals, noble ideals, of peace and protection which the controlling officers should ever strive after and the sterling rectitude, sincere sympathy, strict impartiality, patience, perseverance and forbearance which the successful cotrolling officers [illegible] uniformly displayed to carry them [illegible] a successful consummation have ever evoked the unbounded admiration of the people for whom they worked and the deserved approbation of the Government who singled them out for the work. These principles are exemplified in the life of the subject of our sketch. M. R. Ry. Dewan Bahadur P. Parankusam Naidu Garu whose official career we attempt to give here below. It is a career which will always so serve others who follow in his wake that they too can make their careers sublime if as he did they but keep before them the ideals of *sterling rectitude, sincre sympathy, strict impartiality, patience, perserverance and forbearance.* Dewan Bahadur Parankusam is the first Indian officer who held the office of the Commissioner of Police in India for about seven months in all on more than four occasions. He has proved the fitness of Indians for the exalted position of the Commissioner of Police-a Deputy Inspector-General in rank. He has shown what the members of the upper subordinate ranks in the Police are capable of-only He began his work in 1890 as Inspector of Police in the Tanjore District where he soon distinguished himself in several important and sensational cases, particularly in what was locally then known as the Local Fund Fraud Cases. A gold watch and chain with suitable inscrption thereon was presented to him in appreciation of his service. As a recognition of his valuable services in this case, the title of Rao Bahadur was also conferred on him in 1904. He served in the Tanjore and Kistna Districts as a very popular Deputy Superintendentof Police from 1906. He was in 1908 transferred to the Madras City as Assistant Commissioner of Police He was soon specially selected for his exceptional fitness for the post of Deputy

Commissitioner in the Madras City. In this capacity, his onerous and most responsible work received the full approbation both of the people and of the Government. In his 15 Year Summary, Sir Francis, Chairman of the Port Trust stated that the relations between Mr. P. Parankusam Nayudu and himself and his staff had always been most harmonious and he had sought his advice in all questions of walling and gating and that the public goods passing through the harbour in those days, to the value of about 20 crores of rupees per annum, suffered far less then than formerly from the attentions of the Madras depredators. In 1912 Mr. Parankusam Nayudu received the Coronation Durbar Medal. In 1914 the title of Diwan Bahadur was confered on him. His Excellency Lord Pentland, Governor of Madras, in a speech which he made on the occasion of the presentation of the Sanad of Diwan Bahadur, said that Mr. Parankusam Nayudu was a very experienced and most reliable officer, who, from the beginning of his service, had discharged his duties to the satisfaction of everyone, that he was considered by the head of the Police Department to be one of the best Indian Police Officers in the Presidency and that he was held in the highest esteem by all.

In the looting which occurred in the City of Madras in September 1918, Mr. Parankusam Nayudu contributed not a little to suppressing the riots, protecting the property and restoring order.

In appreciation of his work in the grain looting he was awarded the King's Police Medal in 1919.

This officer acted as Commissioner of Police on four differen toccasions, an appointment which was never held by an Indian throughout India. While he was acting as Commissioner, his prompt action in having speedily put an end to the kidnapping scare in the City in which several innocent persons were killed by infuriated mobs, was commended by Government. In February 1919, the Government was pleased. in recognition of distinguished and exceptional services rendered by him to the State, to sanction the grant to him, for life, of an assignment of land revenue of the value of Rs. 600 per annum. This is a unique honour.

In the year 1920, his work during the strikes of the labourers of the Government Press, Engineering Works and Oil Installations was praiseworthy; so much so, that the public agitated for the retention of his service for another year.

He has been popular among the officers of the Provincial Police Service by whom he was chosen as their representative to give evidence before the Royal Commission on the Public Services of India.

In a rioting in which the Oil-men of Tondiarpet Installation tried to invade the Installation premises and cause mischief, he cleverly brought the situation under control with a small body of Police and arrested four of the ring leaders and brought them to conviction.

He was awarded in the year 1920, the distinction of the Companion of the Imperial Service Order.

We wish the Diwan Bahadur, many many long years of life properity public usefulness in the unofficial of life.

POLICE CO-OPERATIVE SOCIETIES.

By Mr. V. Gopala Aiyar, Shorthand Sub-Inspector, Vellore.

It has been admitted on all hands, that co-operation is a means of ensuring thrift, self-help and mutual trust among the different classes of peoples composing Co-operative Societies. As evidence thereof, the Government have taken keen interest in promoting the establishment of Co-operatives Societies in almost every village and in every branch of public service, with a view to prevent the members thereof, from falling into the clutches of the avaricious money lender who is either a Natukottai Chetty or a Marvadi whose operations have in recent years extended to the most interior of taluks etc. The idea of co-operating with each other is itself very laudable, and more so when it proves pecuniarily useful to those who wish to co-operate. In having co-operative societies, therefore, the money invested by the individual members, leaves a dividend not only sufficiently equal to the interest which such amounts would earn by other investments but also more sometimes. But the trouble caused by other investments should promise to give greater ben fit, is not suffieven if they ciently conspensated fore. Apart from the beneficial point of view, Co-operative Societies afford ample opportunities for members to understand and practice economy, in addition to very many benefits derived therefrom.

Time was, when it was imagined that Co-operation among the members of the Police department was impossible but the existence and successful working of the North Arcot District, S. Is'. Co-operative society at Vellore, gives the lie direct to that time-worn impression. It has been proved beyond doubt that co-operation among the members of the Police department is not only possible, but also possible to a degree beyond expectation.

It is the object of the organizers of the said society that societies on similar lines should be formed by brother Sub-Inspectors in each district so that when all districts have started theirs, a 'Central Police Co-operative Bank at Vellore, may be established to lend money to the Dt. Societies instead of the latter borrowing from Dt. Co-operative Banks or other wise The Central Bank will receive deposits of all kinds from Police officers in the Presidency so much so that police officers may safely invest their savings with advantage in the Central Bank without runing any risk whatsoever. In order to achieve this end, first of all a co-operative society for Sub-Inspectors exclusively, should be started in each district with the headquarters of the district as its place of business. An application signed by at least ten Sub-Inspectors should be forwarded to the nearest Assistant Registrar of Co-operative Societies, to depute an Inspector to organize a society. He will go to the place, explain to the Sub-Inspectors everything connected with the formation and working of the society, have [illegible]-laws which will be the same as extracted herein (Appendix II) and the [illegible]tant Registrar will register the society and authorise the commencement [illegible]k. The office bearers, a President, a Secretary and at least five directors

will have to be elected at a general body meeting and the necessary account books obtained from the Inspector or from the office of the Assistant Registrar.

In the copy of the bye-laws appended herein, the name of the District and the address of the society should be inserted and any addition to or deletion in the bye-laws according to the requirements of each districf may be made by the general body.

If any more particulars are needed, a reference may kindly be made to the Secretary of the N. A. Dt. Sub-Inspector's Co-operative Society Vellore.

The establishment of such societies, it need hardly be said, will greatly help in the successful working of Dt. Associations of Sub-Inspectors which in their turn, will help in making the Central Association a successful and established institution.

THE DETECTION OF FALSIFICATION OF HANDWRITING AND FIGURES BY MEANS OF PHOTOGRAPHY.

Crimes of this nature are far more common than deeds of violence; and judging by the heavy punishment meted out to the offenders, in comparison to the mild sentences often passed upon men whom to call brutes would be base flattery, the law would seem to consider such sins worse than those committed against the person. However this may be, it is a most important thing that this very dangerous class of crime should be subject to ready detection. The microscope alone will not aid us much, although we can detect by its aid places in paper where erasures have been made. If any one will take the trouble to examine microscopically the paper on which these words are printed, using quite a low-power object-glass, he will note that its smooth surface altogether disappears and that it seems to be as coarse as a blanket. This being the case, it will be readily understood that an erasure with a knife, which would be imperceptible to the unaided eye, becomes so exaggerated when viewed with the microscope that there can be no mistake about it. In examining writing by this searching aid to vision, the finest lines appear thick and coarse. It is also possible to ascertain whether an alteration has been made in a word before the ink first applied has become dry, or whether the amendment has been an after thought. In the former case, the previously applied ink will more or less amalgamate with and run into the other, as will be clearly seen under the microscope; while in the latter case, each inkmark will preserve its own unbroken outline. The use of this observation in cases of suspected wrong doing is obvious. Dr. Jesserich shows two photographs which illustrate these differences. In the first, a document dated early in January, is marked 1884—the 4 having been altered into a 5 as soon as written, so as to correct a mistake which most of us make a doze[n] times or more at the beginning of each new year. In the other picture, t[he] date had been altered fraudulently and long after the original words had [been] traced, in order to gain some unworthy advantage.

The photographic plates by which these records have been accomplished are the ordinary gelatine plates, which are being used in the present day by thousands of amateur workers. By special preparations, these plates can be made to afford evidence of a far more wonderful kind, and can in certain cases be made to yield a clear image of writing which has been completely covered with fresh characters by the hand of the forger. In this way, the true and the false are distinctly revealed, together with the peculiarities belonging to each, clearly defined.

The word "ordinary" has a special significance to photographers, and is used by them in contradistinction to a colour sensitive (orthochromatic) plate. This second kind of sensitive surface is of comparatively recent date, and the great advantage in its use is, that it renders colours more according to their relative brightness,—just, in fact, as an engraver would express them by different depths of "tint." These plates are especially useful in photographing coloured objects such as paintings in oil or water colour. Dr. Jeserich has, however, pointed out an entirely new use for them, and has shown that they will differentiate between black inks of different composition.

The oft-quoted line, "Things are not always as they seem" is very true of what we call black ink. It is generally not black, although it assumes that appearance on paper. Taking, for experiment, the black ink made by three different manufacturers, and dropping a little of each into a test-tube half-full of water, the writer found that one was distinctly blue, another red, and the third brown. Each was an excellent writing fluid and looked as black as night when applied to paper. Now, Dr. Jeserich prepares his colour sensitive plates in such a way that they will reveal a difference in tone between inks of this description, while an ordinary plate is powerless to do anything of the kind. Among other examples, he shows the photograph of a certain bill of exchange, whereon the date of payment is written April. The drawer of this bill had declared that it was not payable until May; whereupon Dr. Jeserich photographed it a second time, with a colour-sensitive plate. The new photograph gives a revelation of the true state of affairs. The word "Mai" had been altered to "April" by a little clever manipulation of the pen, and the fraud was not evident to the eye, to the microscope, or to the ordinary photographic process. But the colour-sensitive film tells us that the ink with which the original word "Mai" was written was different black huce from that employed by the forger when he wrote over it and partly formed out of it the word "April." The consequence is that one word is much fainter than the other, each stroke of alteration being plainly discernible, and betraying the forgery. Another case is presented where a bill already paid, let us say, in favour of one Schmidt, is again presented with the signature Fabian. Here again, the photographic evidence shows in the most [illegible]lusively manner that the first word is still readable under the altered con-[illegible]. In this case, when the accused was told that by scientific treatment [illegible] name had been thus revealed, he confessed to the fraud, and was duly

Alterations in figures have naturally come under Jeserich's observations; especially, where careless writers of cheques leave blank spaces in front of numerals, to tempt the skill of those whose ways are crooked. Dr. Jeserich shows a document which is drawn apparently for a sum of money represented by the figure 20,200. The amount was disputed by the payer, and hence the document was submitted to the photographic test. As a result, it was found that the original figures had been 1,200, and that the payee had altered the first figure to O, and had placed a 2 in front of it. The result to him was four years penal servitude; and it is satisfactory to note that after sentence had been passed upon him, he confessed that the photograph had revealed the truth.

Two cases in which fabrication of documents was rendered evident by camera of a somewhat amusing nature, are on record although one might think it difficult to find matter for mirth out of these mendacious doings. Two citizens of Berlin had been summoned for non-payment of taxes, and had qui e forgotten the day upon which the summonses were returnable,—thus rendering themselves liable to increased expenses. It was a comparatively easy matter, and one which did not lie very heavily on their conscience to alter the 24 which denoted the day of the month into 26. But the terrible photographic plate found them out; and the small fine which they hoped to evade was superseded in favour of imprisonment for the grave offence of falsifying an official document. In another case, a receipt for debts contracted up to 1881 was altered to 1884, by the simple addition of two strokes in an ink which was of a different photographic value from the ink which had been used by the author of the document.

Many cases like these, relating to falsification of wills, postal orders, permits, and other documents, have come under the official notice of Dr. Jeserich. One of these is especially noteworthy, because the accused was made to give evidence against himself in a novel manner. He was a cattle dealer, and had altered a permit for passing animals across the Austrian frontier at a time when the prevalence of disease necessitated a certain period for quarantine. The photographic evidence showed that a 3 had been added to the original figures, and it was necessray to ascertain whether the prisoner had inserted this numeral. To do this, he was made to write severals 3's and these were photographed on a film of gelatine. This transparent film was now placed over the impounded document, and it was found that any of the images of the newly written figures would very nicely fit over the disputed 3 on the paper. Such a test as this, it is obvious, is far more conclusive and satisfactory in every way than the somewhat doubtful testimony of experts in handwriting, the actual value of whose evidence was so clearly set forth during the celebrated Parnell inquiry.

It is refreshing to turn to an instance in which the photographic eviden[illegible] had the effect, not of convicting a person, but of clearing him from suspic[illegible] The dead body of a man was found near the outskirts of a wood, and appea[illegible] indicated that he had been the victim of foul play. An acquaintance of [illegible]

been arrested on suspicion, and a vulcnite match-box believed to belong to the accused, an assertion which however he denied, seemed to strengthen the case against him. The box was then subjected to careful examination. It was certainly the worse for wear, for its lid was covered with innumerable scratches. Amidst these markings, it was thought that there were traces of a name; but what the name was it was impossible to guess. Dr. Jeserich now took the matter in hand, and rubbed the box with a fine, impalpable powder, which insinuated itself into every crevice. He next pnotographed the box, while a strong side light was thrown upon its surface, so as to show up every depr ession, when the name of the owner stood plainly revealed. This was not that of the prisoner, but belonged to a man who had dropped the box near the spot where it was found many weeks before the suspected crime had been committed. The accused was at once released.

In conclusion, we may quote one more case of identification which, although it does not depend upon the camera, is full of interest, and is associated with that other wonderful instrument known as the spectroscope. Solutions of logwood, carmine and blood have to the eye exactly the same appearence; but when the liquids are examined by the spectroscope, absorption bands are shown, which have for each liquid a characteristic form. In the case of blood, the character of the absorption bands alters if the liquid be associated with certain gases, such as those which are given off during the combustion of carbonaceous material Now let us see how this knowldge was applied in a case which came under Dr. Jeserich's official scrutiny. A cottoge was burnt down, and the body of its owner was found in the ruins in such a charred condition that he was hardly recognizable A relative was, in consequence of certain incriminating circumstances, suspected of having murdered the man, and then set fire to the building in order to hide every trace of his crime, thinking, no doubt, that the conflagration would be ascribed to accident. The dead body was removed, and a drop or two of blood was taken from the lungs and examined spectroscopically with a view to finding out whether death had been caused by suffocation or had taken place, as was believed, before the house was set on fire. The absorption spectrum was found to be that of normal blood, and the suspicion against the accused was thus strengthened. He ultimately confessed to having first committed the murder, and then set fire to the building, according to the theory adopted by the prosecution. The peoverb tells us that "the way of transgressors is hard." The thanks of the law-abiding are due to Dr. Jeserich for making it harder still.

Chambers' Journal.

CRIMINAL JUSTICE OR ADMINISTRATION OF CRIMINAL LAW?

The object of this short piece is to awaken some interest in an open problem which has not attracted the attention of the legislators of the country as much as it might have done. What in effect is the value of punishment on the character of the individual punished?

Assuming that punishment is meted out according to law, the question is what sort of effect is sought to be produced and what in fact is produced. Legislators in all countries have been men of business and as such had little attachment for speculation as to which is the best method of punishing crime. In our own country, though the framer of the Indian Penal Code was a great man, he was not an exception to the general rule of responslble officials of state. As such, he assumed that punishment was the award of crime, and graded it on some principales, which are accepted all over the civiiized world.

The true end of the State is to developen the character and capacity of its people. Does criminal law as it is now being administered produce any such effect? The annual reports of the various jails in the Indian Empire give varied details about the health of the prisoners, their bill of fare, for what crime and for what term they have been punished,—and indeed so much other statistics, that one obtains an idea of everything except the effect of punishment on the character of the individuals undergoing imprisonment.

What, if any, are the methods adopted for the improvement of character and the eradication of the criminal tendencies of the prisoner? It is being said that one day in the week some one or two respectable citizens adress the prisoners and thus a sort of lay sermon is preached to them. This has to be viewed from the circumstances in which the prisoner is placed. All the hours of the day, the greater part of the inmates of the prison spend their time in work and, after the work is over, in crude pastimes of their own. No manner of inducement is before them to become new men and to reform their character and ideas of life. Whatever might be the term of imprisonment, the prisoner generally comes out as bad an individual, if not worse.

Then, as soon as he is thrown out into society again, how is he received by his own kith and kin? Hindu social organization, as it is, has no means of ameliorating the condition of a returned convict. Even parents keep such an individual at a distanee, feed him clandestinely, and are afraid of holding open converse with him. The person finds that common social advantages, that others have, he can never enjoy after his imprisonment. Though in theory of law he is no longer attainted, yet in actual social life, there is no sympathy for a fallen man who has undergone hardships in life.

This apart, let us consider what chances such an individual has of making an honest living. The competition for life is so keen, that even the circle of friends and relatives is not disinclined to oust the retrurned convict and obtain an advantage for themselves by so doing. Much less is his chance in neighbouring towns or districts. Generally the black shadow goes before him and encounters him at every turn. Any serious suspicion brings him back into the turmoil of criminal trial. We see in common a large number of instances in which trial is conducted without any one to defend the criminal. When an individuel is convicted a second time, the previous conviction very often brings him a longer term and so his chances of improvement are further narrowed down.

Society, which has glamour and attraction for a well-to-do man, is a terrific combination against the convict. Apart from the departments of state, social life is of such an indecisive character, that it gives no consideration for such a returned convict. There is no society or other organization for the maintenance and elevation of such unfortunate beings.

When society is advanced, the state organizations may confine their attention within narrow limits. In the absence of social organization for the uplift of returned convicts as it now stands, the question is whether the government has attained the end of criminal administration, when it apprehends the criminal and punishes him under the law. It is true that economic interests are mainly those of private individuals and only in remote degree concern the state. But an exclusive and undue devotion to the administration of criminal law to the neglect of consequences, damages a section of society more than it might or ought.

So much for the economic and moral interests of the returned convict. Needless to state that his intellectnal advancement is still less cared for.

Limitations there are for the interference of the State. But the returned convicts are, as it were, bye-products of legal administration and it looks as if, but for the State, they may never see better days in their lives Instead of looking upon the unfortunate set as a gang which must ever be watched, if asylums fit for them are established and they are led into ways of right conduct, the administration of criminal law will become far more effective. Better suggestions might be forthcoming to achieve the said object and the Editor of this Magazine might be doing service to this class of society by attracting suggestions from its readers and pooling them for the benefit of legislators.

A PLEADER.

EDITOR'S NOTE.

The above article is published with some alterations to bring out the views of the writer more clearly. The writer has failed to note the work that has been done in the directions indicated by him in various countries including India. The establishment of juvenile courts in America and the 'Colorada Law' which governs their administration, the system advocated by Sir Evelyn Ruggles Brise on prison reform, the introduction of the the Borstal and other systems, the work of the Salvation Army in different parts of India coupled with the earnest attempts of the various provincial governments in this country (as for instance in Azizabad near Cuddalore, Madura and Stuartpuram, to name only a few in this presidency) in the settlement and reclamation of the criminal tribes, the maintenance of institutions like the Chengleput Reformatory School are all steps in the desired direction which can hardly be ignored.

The Madras Presidency Discharged Prisoner's Aid Society, formed in February 1921 at a public meeting held at Madras under the presidency of His Excellency the Governor, has already started work and is making arrangements to form district committees at stations where there are central or district jails. The success of the society will, however chiefly depend on the measure of public support which it receives. The Government hope that the district committees will be able to enlist the co-operation of the general public throughout the Presidency and that the difficulty of finding probation officers for adolescents will soon disappear. Similar societies are in existence in most of the other Provinces. We hope the pleader will render what help he can to the district committee as he is stationed at the head-quarters of a Central-Jail.

SOME PRESUMPTIONS IN THE PENAL LAWS AS APPLI ED IN BRITISH INDIA.

Though it is true that presumptions, rebuttable and irrebuttable, do not play such important functions in criminal as they do in civil law, yet to some extent, criminal courts are guided by them. These presumptions are sometimes in favour of the accused and under certain circumstances, though comparatively rarely, against them. It is alwas presumed that every one is acquainted with the penal law and it is no defence to a prosecution that the accused was ignorant of the provisions of law. (Vide S. 76, I. P. C,) This may be said to be an irrebuttable presumption against the accused; does happen to be ignorant of th general, law in some and of special laws in may cases. In such case, he may possibly be sucessful in pleading for a light Punishment; but could never escape the due course of law.

For an instance of a presumptionin favour the accused, one may be referred to the only section in Chapteor XXX of the Code Of Criminal Procedure (namely S. 403.); whereunder the correctness and complete justice of all judements, which end in acquittals, are so fully presumed that, subject to very straingent restrictions, no person so aquitted can be retried either for the same offence or even any other offence for which a different Charge from the one made against him might have been made under S. 236 Cr. P. C., even thovgh fresh arguments might be discovered or fresh proofs of his guilt might be forthcoming. Subject to similar restrictions, it is also presumed that trials ending in convictions so completely satisfy the ends of justice that the convicted person could not be tried on the same facts for any other offence for which he might have been convicteP under S. 237 Cr. P. C. Student, of comparative law might profitably refer to the elastic provisions of Order 47 Rule 1 of the Civil procedure Code which will be found to provide, what may seem to those who deal with criminal laws, rather liberal facilitits for repening case after it has been closed and judgment delivered.

A criminal intent is always presumed in all voluntary unlawful acts where the consequences are know or are belloved to be likely to result or where the consequences that ensue are natural or necessary and inevitable (S. 39, I. P. C.) It is only in acts, in themselves indifferent, which if done with a particular intent becomes criminal, that that intent must be alleged, proved and found. (Vi-de 5 Burrow's Report 2667) If, for an instance, baker Ramaswamy delivered adulterated bread for the Holice Mess, it would be absurd t0 require the prosecutor to prove that he intended it to be eaten. Likewise, if it is proved that A killed B, it is proesumet at the outset that he did fo unjustifiablp and it is for him to make out circumstances of justification or extenuation. (Vide S. 105 Evidence Act)

The law sometimes goes further and transfers this kind or presu ptive criminal intention from the person aimed at by the intendor to others not so aimed at. A shoots at B and the bullet kills C; or a sends poisoned eatables to B and C dies by eating them. In these cases, what will it avail A to make out by the best of evidence that C was his boosoffl friend and was never intended to be killed. (Vide S. 80, I. P. C.) The law sometimes is harder still and exacts a penalty for a greater offence where a lesser only was intended. A simply wants to kive a slight beating to B and asranlts him; but B dies. What offence does A commit? The correct answere may cause scme pain. But suppose the law were otherwise and demands strict proof of A's intention to kill B. What will the consequences mean to the public at large? No wonder, the law bears in mind that the devil itself knows not the thoughts of men.

Thus far, we were having illustrations of natural and, if it may be so called reasonable presumptions. There are artificial presumptions too. Look at S. 3 of the Indian Motor Vehicles Act VIII of 1914. It is penal to allow any person under the age of 18 years to drive a Motor Vehicle in any public plase SuPpose James is the owner of such a Vehicle and Jones, his brother aged 16' uses it in a public place. The law presumes that he did so with the consent of James liable. Look again at S. 10 of Act 1 of 1878 whic lays down that, in prosecutions under S. 9 of the same Act, it shall be presumed until the contrary is proved that all opium ior which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under that Act. Needless to multiply instances of this kind of presumptions in special and local laws. The reader might collect more for himself. To measure the exact value and scope of these presumption one must constantly haue in mind Mr. Stephen's neat statement in S. 4 of the Evidence Act of the three classes of presumptions as acted npon by courts of justice.

SOME SIMPLE QUERIES.

What should a Police officer do in the following cases:—

1. A goes about making a confession to every one he meets with that he kiled B. No other clue is available as to what became of B.

2. A lets loose a savage monkey within his compound. B, a visitor, goes in and gets grievously hurt by the monkey.

3. A Village Munsif is present at an inquest; but refuses to sign the inquest report.

4. husband returning home after 10 months stay overseas leaves a new-born offspring of his wife uncared-for for several days; and the wife is in a delirious state all the time, to the knowledge of the husband. The child dies of starvation

5. A goes on his motor-bike through a crowded street in town. B's fowls are roaming in street and one of them gets caught between the spokes and is killed. A is thrown off his saddle and gets injured. B's grandmother comes into the scene and flings volleys of violent abuse for the loss of the fowl. A police constable who was on the scene pacifies them and makes them go their way cation beforehand of the direction ln which he intends to vote.

(3) A Government servant, who is a whol-time Government servant, may not, save to the extent permissible in the case of elections to Legislative Councils, or unless he is himself a candidate, who is legally elible and has obtained from proper authorits such permission, if any, as is required to enable him to stand for election, take part in elections to Municipal Committees, District Boards and Local Boards.

PROFESSOR ROXROY, ELMER S. KNOWLES.

Bogus Advertisement.

Copy of correspondence passing between the India Office, the Central Investigation Department, London, and the Government of India and the Government of Madras with regard to an organisation which calls itself the "National Institute of Science" has been forwarded with the suggestion that all Newspapers in the Presidency be warned to refuse advertisements forwarded by the so-called Institute. Such advertisements have appeared in the names of Professor Roxroy, Elmer S. Knowles, Hugh McKean, Elmer S. Prather, the National Institute of Science, and the Universal Mail Order Institute. Numerous complaints have been received from Indian gentlemen and others who have been induced by these advertisements to forward money to the advertisers. The Criminal Investigation Department of the Metropolitan Police report that they are not in a position to take criminal proceedings, but the Commissioner of Police considers it desirable that the Government of India should issue a general

warning to Newspapers in India to refuse these advertisements. The latest information with regard to the so-called National Institute of Science is that the business has been transferred to No. 43. Emmastraat, The Hague, Holland, and the premises previously occupied in Westminister Bridge Road, London, are neow vacant.

DOMMARAS OF THE CHITTOOR DISTRICT.

The 'Dommaras' of the Nellore district were declared a criminal tribe in August 1913. This declaration has now been extended to the Dommaras of the Chittoor District.

The gang consists of 69 members, nearly all of whom are desperate criminals.

They call themselves Reddi Dommaras. Their house name is Salapatchi which signifies 'an eagle which carries away sheep' During marriges, this ceremony or rite is observed.

They wear waist and upper cloths and talk Telugu. They have peculiar ways of expressing their secrets to one of their sect. They permanently live at Kalavagunta in the jungle close to Penubak, Ponubak-Gottipudi-Kasaram-Siyyavaram, Kamparthi and Kelaballi.

Their ostensible means of livelihood is making mats and rearing pigs and cultivation. As this is hardly sufficient to keep their body and soul together, they live upon the booty obtained by committing both bailable and non-bailable offences.

They commit thefts, house-breakings and cattle thefts and extortion in Chittoor and Nellore districts. They form into batches, stealthily attack a flock of sheep at night and commit thefts during day time. They approach owners of cattle armed with spears, infuse fear into them and extort money or sheep.

The women and children are generally engaged in rearing pigs and making mats and assist their men in disposing of the stolen property but they do not take active part in their depredations.

Their sphere of operation extends to Nellore also, wherefrom they return to their villages with their booty. As the villagers are too timid to make complaints against them they successfully carry on their depredations. They are all related to one another and related to members of Nellore district by blood and marriages.

JOTTINGS AND CUTTINGS.

Deadly Repartee.—Sir Edward Carson, K. C., an Irishman, is one of the wits of the English bar, and a skilful and deadly cross-examiner. He began his cross-examination of an offensive witness thus :—

Carson :—" I believe you are a heavy drinker ?

Witness :—" That's my business "

Carson :—(without a moment's hesitation) " Have you any other "

It is needless to say that the promptness of the question, and the laughter which followed, put the witness completely at counsel's mercy.

THE GREEN BAG.

THE LAWZER'S PROFESSION.

" That clients may infer from thence,
How just is our profession,
The lamb sets forth our innocence,
The horse our expedition ".

To which a poetic and dissatisfied suitor replied thus :—

" 'Tis all a trick, for these are shams,
By which they mean to cheat you ;
But have a care, for you're the lambs,
And they the wolves that eat you !

Nor let the thoughts of no delay
To these, their courts misguide you ;
'Tis you're the showy horse, and they
The jockeys that will ride you !"

THE LAW STUDENT'S JOURNAL.

HARBOURING.

The French Court of appeal has quashed the conviction of a wife for sheltering her husband who had deserted from the Army. The reasons seem to have been that she was not entitled by law to prevent her husband entering and staying in his own house, that she was under a legal obligation to remain in the conjugal home, that she had not instigated the desertion, and that it would be unfair to expect her to perform her civil duty of denouncing the deserter.

The Law Student's Journal.

IGNORANCE OF LAW EXCUSES NO ONE.

Once when James T. Brady pleaded a client's ignorance of the law in extenuation of an offence he had committed, the Judge said.

" Every man is presumed to know the law, Mr. Brady "

" I am aware of that your honour. Every shoe-maker, tailor, mechanic and illiterate labourer is presumed to know the law ; every man is presumed to know it except the Judges of the supreme Court ; and we have a Court of Appeals to correct their mistakes."

From the Madras Law Journal.

THE JUTUR GANG OF CUDDAPAH AND ANANTAPUR.

The Government have extended the provisions of the Criminal Tribes Act to the class of persons known as the "Jutur Mixed Gang" who reside in the Jammalamadugu and Proddatur taluks of the Cuddapah district and Tadpatri, Gooty and Anantapur taluks of the Anantapur district.

The gang does not consist of one particular caste. There are Komatis, Besthas, Balijas, Boyas, Muhammadans, Woddars, Gandlas, Upparas, Gollas. Pamula and a Mala. Though they lack identity of caste, the uniformity of purpose and the close adhesion of individual members to the preponderating Kapu element, constitute conditions which differ in no respect from those usually associated with a criminal tribe. The maximum strength of the whole gang is 69. Practically the whole of Cuddapah, the southwest portion of Kurnool and the northen half of Anantapur district are suffering from the visitations of the gang.

The crimes traced to this gang evince careful planning, skilful leadership and great dash in execution. Free use is made of the railway. There is no chance work. A victim is marked down beforehand and all necessary informamation as to the situation of his house, the approaches and means of escape, the number of inmates and so on, is collected, before any move is made. On the appointed day, the gang concentrates at a convenient point. They proceed in small parties of two or three so as not to attract attention. In the early hours of the night they make a dash into the village; part go to the house of the victim and the rest overawe any attempt at opposition. They use firearms for this purpos. If the victim does not at once reveal where his valuables are kept, they freely resort to torture. As soon as they have secured the loot, they dash out of the village and disperse. Property is transformed and disposed of within a few hours. The whole thing is planned so well and carried out with such expedition that everything is over long before any report even reaches the Police. The crimes committed by the gang include murder, dacoity, burglary as well as innumerable cases of extortion and assault. They have terrorised the neighbourhood and in many instance their victims dare not complain against them.

THE BOMBAY POLICE. REVISION OF PAY.

The following Bombay Government Order is published for the information of all concerned.

2. Detailed instructions in connection with the introduction of the revised scale will issue separately.

3. This scale does not apply to the clerks in the offices of Superintendents of Agency Police, Palanpur and Mahi Kantha Establishments.

Revision of pay of the clerical Establishment in the Police Department in the Presidency proper.

Memorandum from the Home Department, No. 5126, dated 25th May 1921.

Order.—The Governor in Council is pleased to sanction the revision of pay of the clerical establishment in the Police Department in the Presidency proper as shown in the following statement :—

No. of posts with designation.	Percentage of pay.	Grading now sanctioned.	Rate of starting pay.
	Rs.	Rs.	Rs.
4 Head Clerks	110—5—125	(4) 150—5—200	170
16 Do.	75—5—100	(16) 115—5—150	(11) 140, (2) 135, & (3) 125
4 Accountants	75—5—100	(4) 115—5—150	135
16 Do.	55—3—70	(16) 105—5—140	10 (110) & (6) 105
60 Clerks	20—2—50	(60) 85—$\frac{5}{2}$—100	85
164 Do.	20—2—50	(164) 30—$\frac{5}{2}$—80	(24) 75, (15) 70, (23) 65, (6) 60. (14) 45, (24) 40, (5) 55, (25) 50, and (19) 35

Office of the Superintendent of Police, B. B. & C. I. Railway, Bombay:—

1 Head Clerk	110—5—125	170—5—200	170
1 Accountant	75—5—100	135—5—165	135
2 Clerks	20—2—50	60—4—100—3—160	

2. The starting pay of the present nine incumbents in the grade of Rs 20-2-50 in the office of the Superintendent of Police, Thana, who will be placed in the revised grade of Rs. 30-$\frac{5}{2}$-80, and of nine clerks in the office of the Superintendent of Police, B. B. & C. I. Railway, should be based on their pay as it stood on 1st March 1920, in accordance with Appendix A to Government Circular No. 458, dated 25th June 1920, and Appendix Y to Government Circular No. 509, dated 10th August 1920, respectively.

3. The revised rates of pay should be introduced from 1st April 1921 *i.e.* on pay for that month payble in May 1921. All temporary and provisional, war local and Bombay allowances will cease with effect from that date. The establishment in the Thana District will, however, be eligible for local allowances in accordance with Government Resolution No. 207, dated 30th March 1921.

By order of the Governor in Council,

THE BOMBAY POLICE TRAVELLING ALLOWANCES.

GOVERNMENT OF BOMBAY.

Home Department Resolution No. 5345 dated 31st May 1921.

Travelling Allowances.

Classification of Sub-Inspectors as second class officers for the purposes of travelling allowance.

From—L. Robertson, Esq., C S. I., I. C. S., M.L.C., Inspector-General of Police, Bombay Presidency;

To—The Secretary to Government, Home Department.

I have the honour to refer to paragraph 1 of Government of India's Finance Department letter No 1706 E B., dated the 12th September 1919, empowering the local Government to change officers from one travelling class to another, and request that Government may be pleased to class all Sub-Inspectors as second class officers for the purposes of travelling allowance for the reasons given below.

2. The starting pay of the executive Sub-Inspectors in accordance with the revised pay is Rs. 75. That of the prosecuting Sub-Inspectors is Rs. 90. Under the existing rules therefore, the Sub-Inspectors who are in receipt of a salary of Rs. 100 and less per mensem are being classed as third class officers, while their confreres on pay above Rs 100 are treated as second class officers. This classification is anomalous for two reasons. In the first place all Sub-Inspectors are of the samo social status, have the same duties to perform, and incur exactly the same travelling expenses. To make a distinction based on length of service is clearly illogical as well as inequitable as it means that the junior Sub-Inspector, who is least in a position to afford it, has to defray part of his travelling expenses out of his pay In the second place, it throws the junior Sub-Inspector into the same class as the constable, whose duties, status and expenses are in no way comparable to his own.

A reference to items Nos. 2, 8, 9 and 10 of the list printed as Part II of Appendix 18 of Civil Service Regulations will show that certain officers of other departments though drawing a salary of Rs. 100 and less are already classed as second class officers.

3. I would stongly urge that Government be moved to pass orders that all Sub-Inspectors should be treated as second class officers for the purposes of travelling allowance.

4. I solicit the favour of early orders of Government.

No. 1120, dated the 7th February 1921.

From—D. G. Ommanney, Esq., Acting Deputy Inspector-General of Police for Sind;

To—The Commissioner in Sind.

I have the honour to report that the Accountant General, Bombay, has ruled that Sub-Inspectors of Police, unless drawing more than Rs. 100 a month, can only draw allowances as third class officers, as the classification for the purpose of travelling allowance of a Sub-Inspector on a *time scale* of pay is determined by the pay actually drawn by him from time to time (*vide* note 2 to article 1002, Civil Service Regulations) and not by the maximum pay of his appointment.

2. As a principle, officers of equal standing should get the same rates of travelling allowances, even if one happens to draw a little more than another. A Sub-Inspector on Rs. 75 has the same amount of travelling to do as the one on Rs. 150 or Rs. 160. Moreover, Government have not specifically ruled that Sub-Inspectors are officers on a *time scale* of pay. The Deputy Inspector-General is inclined to hold they are officers on *progressive scale* of pay under article 43 of Civil Service Regulations and are officers of the second class for the purpose of travelling allowances, by virtue of the scale of their pay, *viz*., 75—$\frac{10}{3}$—145.

3. If the Accountant General's ruling is enforced, it will create discontent and humiliation amongst the above class of officers drawing Rs. 100 and less. On the other hand, in the Presidency proper there are no inter-classes on the Railways, so that Sub-Inspectors there are in receipt of double second class Railway fares. I therefore request the favour of your moving Government to rule that all Sub-Inspectors of Police should draw travelling allowances as second class officers.

Endorsement by the Commissioner in Sind, No. Judl.—167, dated the 7th March 1921.

Submitted to Government.

2. The Commissioner supports the recommendation of the Deputy Inspector General of Police for Sind, and he requests that orders may be issued that

all Sub-Inspectors, including Sub-Inspectors, who have passed form the Police Training School at Nasik and Probationary Sub-Inspectors, should for the purpose of travelling allowances be treated as second class officers.

3. Under article 1002 of the Civil Service Regulations the Commissioner thinks that the Sub-Inspectors are entitled to come under the category of second class officers.

RESOLUTION.—All Sub-Inspectors of Police, including those who have passed from the Police Training School, Nasik and probationary Sub-Inspectors of the Bombay Presidency, including Sind, should be classed as second class officers for the purpose of travelling allowances.

INDIA AND FAMINES.

The Present and the Past.

In one of the Bombay newspapers some time ago there was an editorial note dealing with famines which were referred to as an "unpleasant aspect of British rule." As a matter of fact, famine and drought existed in India centuries before the British landed here, and it is the British who, alone of all the rulers of India, have tried to fight scientifically and systematically this terrible feature of Indian life. This question has been take up by "G. K. N.", a well-known Indian writer and historian, who has written a series of articles in a Bombay paper, from which the following extracts are taken:—

> "India is the home of famines, he says. India's old literature is loaded with direful scarcities. India is richer in no department of intellectual productions than what is called story literature. The tales and anecdotes of Indian origin have spread the world over. The migration of these fascinating Indian fables is a platitude of anthropologists. And the Indians know that there is not the smallest collection of these delightful tales, the Panch-tantra, the seventy-two tales of the parrot, the thirty-two anecdotes of Nanda, the cycle of Vikram stories, the Kathasarit Sagar, the huge Brihat Katha and the mass of Brahmanic, Budhist and Jain story books; I say, the Indian of town or village, Hindu or Moslem, who is fed from his infancy on historial facts disguised as entertaining tales, knows that the commonest phenomenon round which other events of a popular tale are grouped is a famine, at times the terrible one of twelve-year duration.
>
> The soil of parts of the Indian peninsula is uncommonly fertile. But most of the populous areas depend for their productivity on rains. Irrigation was not unknown in India, but not on the scale and to the extent which has made the British Punjab a vast granary. And the failure of rains has been an occurence of most painful familiarity in India. It dates

from the most ancient of dated incidents. The old Hindu sacred texts swarm with references to famine· The Shatapatha-Brahman, held in veneration next only to the Vedas, describes the anarchy which failure of monsoons brings in its train.

Partly synchronous with the Budhist epoch are the grand Indian epics, the Mahabharata and the Ramayana. Can any Indian aver that these Indian national archives make no mention of famines? The ages which succeeded were all witnesses to the caprices of nature and man's fatalistic neglect—drought, scarcity and plagues. The latter as sequilæ of famines are described with scientific accuracy in Sanskrict works composed ages before a European other than Hellenic visited India. The old Hindu works, Puranic and later, so to say, creep with famines and pestilences. The marvellous resignation of the people accepted the periodic scourges without murmur. Famines there were, intense and ghastly, in pre-British India. What there was not was the scientific campaign against them—the relief works and camps with doles and tolerable sanitation for the starving thousands inaugurated and maintained by the British.

What was the condition of economic affairs in the period of Moslem domination in India? A continuation of the same gruesome chronicle· The difference between Hindu India and Moslem India with reference to the incident of scarcity is this: the Hindu records embody descriptions of famine in the characteristic Hindu style—facts mingled with engaging fancy; the Moslem historian has greater regard for actuality and occurrences. The Persian histories, so numerous and voluminous, written in India, during Mussalman paramountcy, make no attempt at minimising the horrors of endemic scarcities. And their simple narratives display not the slightest consciousness that it is the duty of rulers to concert measures for the prevention and combating of famines. Famines were due to droughts. And scarcity of rain was an act of God. Who can presume to anticipate or attenuate the consequences of His decree? These Molsem historians--the art of history in India was perfected by Moslems,—straightforward narrators of events as they generally happened to be, have left works which annihilate the unveracious suggestion that famine, like the weaving mill or railway engine, is a satanic importation of the European."

British Commissions.

Not only have the British provided remedies when famines have actually occurred, but they have from time to time appointed commissions with a view to concerting measures for the prevention of this calamity familiar to the Indians. The Famine Commission presided over by Sir Anthony MacDonnell reported that the incidence of land revenue on the average value of the producc was less than 4 per cent in the Central Provinces, 7 per cent in Berar and most of the Punjab and in the Deccan from 7 to 8 per cent. Only in Gujarat, which suffered severely during the famine but where the profits on the cultivation are

high, the incidence amount to 20 percent standard. In the severs famine of 1889-1900 the loss in crops to the state was equivalent to £50,000,000 sterling (75 crores of rupees). The Government spent upwards of £ 10,000,000 (15 crores of rupees) on relief. Not much more than 2 per cent. of the population affected succumbed, and the loss was more from privation and disease than starvation. The bitter critics of Government lose sight of the fact that the State endeavours to prevent famine seizing on the people long before acute distress prevails and brings into operation its Famine Relief Code or the regulation for the prevention of famine. Unfortunately, any province in which these purely preventive measures are applied is commonly regarded as in the grip of famine. The fact is that the Code contemplates more the prevention of the ravages than the remedy of the actual calamity When, for instance, in 1899-1900, 6,000,000 or 2 percent, of the population of India were in receipt of relief, it was made out that this huge mass of humanity was actually starving, that is, had no food to maintain life and was being slowly tortured to death. A fairer statement would be to say that so many were saved from starvation, and the just critic might bear in mind that a slightly larger percentage, namely 2.2, of the population of England and Wales is annually in receipt of aid from the State.

It has been claimed that so successful is the British Policy as regards the combating of famine that in 1899-1900 in the locality affected above all others by one of the most widespread scarcities known in Indian history, namely in the Central Provinces, the death rate remained round about the normal figure. The administration of famlne relife, we learn, has been evolved to a point almost of such assured success that as a general rule the employees on the famine relief works do not exhibit symptoms of emaciation, and are generally hardly distinguishable from the ordinary coolies. The aim of the Government is to provide them with work and wages before their physical candition deteriorates. It would be contrary to facts to suggest that in this aid Government has alaways invariably failed. A good test of the exertions of the British is the corresponding effort, if there be any, on the part of what are called the Protected States of India. The evidences of private and official witness, the reportes, of newspaper correspondents and, above all, the census figures go to testify to the British system as compared with that obtaining in any Indian State.

GOVERMMENT OF INDIA RESOLUTION.

Gvermment servants and Govermment Policy

The Goverment have had recently under consideration the question of the right of Goverment officers to explain and in defend public the policy of the Goverment. The exising orders on this subject are contained in rules 20, 22 and 23 of the Goverment servants' Conduct Rules. Under rule 20 a Government servant may not publish in the press any statement of fact or opinion which may embarrass the relations between the Govrnment and any section of the people;

under rule 22 he may not take part in any political movement, nor attend any political meeting at which his presence is likely to be misconstrued; and under rule 23 he may not interfere or use his influence in any way in an election to a legislative council, except that he may record a vote, if he is qualified to do so. These rules were framed money years ago; in the interval, the conditions have greatly altered; and in the Report on the Indian Constitutional Reforms it was recommended that in view of these changes there should be a greater liberty of action to the European public servant in India. "He ought not," it was urged and of course the same considerations apply to the Indian public sarvant, "to leave the task of political education solely to she politicians. He too must explain and persnade and argue and refute." This view was endorsed by the Joint Committee in their Report on the Government of India Bill.

2. The Government of Indit realise the objections to the participation in politics of Government officers. They recognise that it is the clear duty of their officers to refrain from any action that might lay them open to the charge of at tempting to influence the course of an election. They recognise too that in the main the defence of the policy of Government is the concern of the Government itself, and in regard to most matters, of public interest they do not desire that their officers should embark on vigorous propaganda in their interests. But, in the conditions now obtaining, there are subjects on which Government officers cannot be prohibited from expressing their views merely because by so doing they will run counter to the tenets of apolitical party. The non cooperation moment is clear instance in point. A compaign is being carried on at the present moment by the adherents of this movement which has for its objects the paralysis of the Government, and which seeks toattain this object by seditious and unscrupulous propaganda amongst the masses of the people. In regards to movements of this kind Government officers cannot be required to maintain an attitude of silence and aloofness. They must be permitted indeed, it is their duty to counter and refute such propaganda; and If their action in this direction is to be fully effective, it may be necessary on occassions for them to adress public meetings.

3. The Government of India have therefore decided, with the approval of the Secretary of State, that in future, and subject to certain clear limitations, Government officers will be allowed to explain and defend in public the policy of the Government. The action taken must be for the purpose of removing misapprehensions, correcting misstatements, refuting disloyal and seditious propaganda; so far as possible there should be no refernce to the personality of parties or individulals who may be in opposition to the Government; and when elections are impending Government officers must be careful that they give no ground for the suggestion that statements of facts or views made by them have been made with the object of influencing the electors in favour of' or against, any party or an idividual candidate. Further, no statement of facts of opinion on public matters may be published by a Government servant in the press under his own name without the permission of the local Government. But subject to these con-

ditions, Government officers will be at liberty to defend and explain the policy of Government either in interviews with the members of the public, at local Durbars or on the platform. Rules 22 and 23 of the Govement Servants' Conduct Rules have accordingly been redrafted and a copy of the revised rules is appended to this resolution.

Order:—Ordered that the resolution be published in the Gazette of India and that a copy be forwarded to all local Governments and Administrations and Departments of the Goverment of India for information.

Amendments in the Government Servants' Conduct Rnles.

Rule 22:—(1) A Goverment servant may, for the purpose of removing misapprehension, correcting misstatements and refuting disloyal and seditious propaganda, defend and explain in public the publicy of the Government. Save, however, as provided in rules 17, 18, 19 a Government servantmay not make any communication to the press in regard to the policy or acts of the Govenment without the sanction of the local government, or such superior authority as the local government may prescribe.

(2) In any action taken by them under sub-paragraph (1) Goverment servants should, so far as possible refrain from making any reference to the personality of parties or individuals who may be in opposition to the Government, and when elections are impending, they must give no ground for the suggestion that any statements of facts or views made by them have been made with the object of influencing electors in favour of or against any party or individual candidate.

Rule 23:—(1) Save as provided in rule 22, or when acting under the express instructions of the local Government, a Government servant may not take part in, or subscribe in aid of, any political movement in India or relating to Indian affairs. Where there is room for doubt whether any action which a Govenment servant proposes to take will contravene this provision, he should refer the matter to the local Govenment to which, or to the Govenment servant to whom he is immediately subordinate.

(2) A Government servant, who is a whole-time Government servant, may not, by canvassing or otherwise, interfere, or use his influence in any way, in an election to a legislative council except that he may record a vote, if he is qualified to do so, and in that case he should, as far as possible, avoid giving any indication beforehand of the direction in which he intends to vote.

(3) A Government servant, who is whole-time Government servant, may not, save to the extent permisible in the cace of elections to Legislative Councils, or unless he is himself a candidate, who is legally eligible and has obtained from proper authority such permission, if any, as is required to enable him to stand for election, take part in elections to Municipal Committees, District Boards and Local Boards.

ADVANCES TO OFFICERS FOR UNIFORM AND HORSES.

(a) Assistant Superintendents of Police appointed in the United Kingdom receive on first appointment a free grant of £ 30 towards the cost of uniform and a sum of Rs. 600 for the purchase of a horse and saddlery.

(b) Assistant Superintendents of Police appointed in India from the Bihar and Orissa Police Service and Deputy Superintendents receive on first appointment a free grant of Rs. 300 towards the cost of uniform and the following sums for the purchase of a horse and saddlery :—

		Rs.
Assistant Superintendents of Police	....	600
Deputy Superintendents of Police	...	400

(c) Officers who receive a grant for the purchase of a horse and saddlery shall furnish the Audit Officer, within a month after the money has been drawn from the treasury, with a certificate to the effect that the price paid by them for the horse and saddlery was not less than the amount drawn.

(d) Assistant Superintendents of Police of less than seven years' service will provide themselves only with the working dress uniform and the messkit-white. They will wear khaki at State ceremonies and functions for which full dress is ordered and, between the 15 October and 15th March, evening dress when Mess dress is ordered.

IMPROVEMENT OF THE GOVERNMENT RAILWAY POLICE.

Resolution—By the Government of India, Home Department.

In the Resolution of the Home Department No. 114 (Police,) dated the 13th January 1921, the Government of India announced their decision to appoint a Committee to examine the existing organization and working or the Railway Police administration in India and to make proposals for the improvement (where necessary of this branch of Police administration.

2. The Committee assembled at Delhi on the 15th January 1921, under the Presidency of Mr. J. P. Thomson, C.S.I., Chief Secretary to the Government of the Punjab, and included the following members :—

Mr. H. del Ross, Deputy Inspector-General of Police, Railways, United Provinces.

Mr. F. W. Hanson, C.I.E., late General Traffic Manager of the Bombay Baroda and Central India Railway and once a temporary Member of the Railway Board

Rao Bahadur Ranga Govind Naik, M.B.E., Pleader, Belgaum (Bombay).

Rai Bahadur Upendra Lal Ray (Bengal).

Mr. C. Atkins, Daulatpur Factory, Tirhoot, Bengal and North-Western Railway.

Mr. H. C. Hunt, Indian Police, acted as Secretary to the Committee.

3. The Report of the committee has now been submitted and is under the consideration of the Government of India. It will, however, be published immediately and copies will shortly be made availsble for sale to the general public.

Order :—Ordered that the Resolution be published in the Supplement to the Gazette of India and that a copy be forwarded to local Governments and administrations, all Departments of the Government of India and the Director, Intelligence Bureau, for information.

CONTROLLING OFFICERS OF POLICE.

'How do you know what they are'? said a Field Marshall to a aristocratic member of his staff when discussing the grievances of a regiment. A decade and a half ago we had to repeat the same question to some of the European officers of Poliee especially the earlier competition wallas with regard to their knowledge of their own subordinates and the people. It was because of the erroneous belief with some of those that *Reserve* and *Inaccessibility* alone infused fear into the subordinates and respect into the people. There were doubtless among them a few who believed that descipline would not suffer by their being familiar or too acesessible. Officers of both tehse schools of belief, we regret to say, made themselves pliant figures in the hands of some of their *uuscrupulous subordinates* though the former had nothing much in the long run to regret from their selfish point of view while the latter had very much to repent for in that direction. But what of those unscrupulous subordinates? They became *somebodies* lost nothing, absolutely nothing, by the bargain but gained everything and withno regrets from their own (worldly) point of view. They were of the world and their thoughts could vise no higher. They were ever watchful in their own interests. Before we proceed further we rish to detail here the three classes under which generally the subordinate Police officers can be placed.

The first class consists of those who feel no pleasure, zeal or enthusiasm in their work. They will obey the letter of the law and orders and *suo motu* they do nothing. They get on mechanically obeying orders marking time for pension. The second class of officers are those who are on the other extreme. They are very zealous, honest and hardworking men. They neither fear nor seek the favour of any body in the world. To them even their own family is

no concern. Their pleasure and fad is to do well the sacred duties of their department. They depend upon their controlling officers' integrity and capacity and bother not themselves with anything other than their work—do duty for duty's sake. There are the third class of officers or men and what can we say about them. Woe unto them and unto the mothers that gave birth to them and gave them to suck.

The first set of officers could never be found fault with and they were not ambitious. They had no enemies. They did not care whether the Eastern hemisphere was submerged or the western hemisphere in the occan. The second set of officers formed the backbone of the Department and on them depended everything whether the department proved efficient or otherwise, a blessing or a curse to the people. It was the duty of the controlling officers to find out who under them belong to this class and the third class of officers rendered that task anything but easy. The controlling officers should understand to what intent and for what purpose *Reserve* and *inaccessibility* are useful and to serve that end they should not become too familiar or too reserved and that reserve and inaccessibility with a vengeance cut adrift a controlling officer from popular current while too much of familiarity rendered the maintenance of wholesome control and disirepline impossible. We cannot bring home, perhaps, to the minds of our readers the truth of our assertion better than by giving instances of the mischief done by too much reserve and aloofness.

In a factious village there lived R and G. B. the heads of two rival factions. R, had been indebted to G. B. and G. B. had all Rs' property moveable and immoveable, auctioned by a Civil Court in satisfaction of his debt and purchased them for less than a third of their real market value as none but he (G.B.| would bid at the auction sale because R was such a terror in the locality. The Civil Court put G. B in paper possession of the said property as R had collected and kept ready a large number of *badmashes* and was determined at all costs not to allow G.B. or his men to actually enter into possession of the same. R. began making preparations to kill G. B. and all the other members of his family that none might survive to enjoy his property. The Sub-Inspector of Poliee reported all these facts to the Sub-divisional Magistrate for having R and his followers bound over. The Inspector who was jealous of his Sub-Inspector and through whom the report was sent made some silly remarks upon the same and forwarded it on and the Sub-Divisional Magistrate who was aware of the facts personally took the Inspector to task for having made those silly remarks without even making a personal local enquiry which he was ordered to hold at once and report further.

(*To be continued.*)

APPENDIX I.

CRIME AND POLICE IN INDIA.

(Before the East India Association.)

(1) A MEETING of the East India Association was held on Monday, February 21, 1921 at the Caxton Hall, Westminster, S. W., when a paper was read by Sir John G. Cumming K. C. I. E., C. S. I., M. A. entitled "Crime and Police in India." Sir Edward R. Henry, Bart, formerly Commissioner of Police, London, occupied the chair and the following, amongst others, were present. The Right Hon. Lord Carmichael, G. C. S. I., G. C. I. E., K. C. M. G., Colonel Sir Charles E. Yate, Bart., C. S. I., C. M. G., M. P., Sir Duncan J Macpherson, C. I. E, Captain Sir William Nott Bower, C V. O, Sir Christopher W. Baynes,, Sir William Ovens Clark, Sir Robert F. Fulton, Major-General F. E. Chamier, C. B., C. I., E., Mr. F. H. Brown, C. I. E., Mr. C. E. Buckland, C. I. E, Mr. H. E. A. Cotton, C. I. E., Mr. A. Porteous, C. I. E., Mr. C. W. Chichele Plowden, C. I. E., Mr. E. H. Man, C. I. E., Mr. N. C. Sen, O. B. E. Mr J. B. Pennington, Lieut-Colonel W.G. Hammilton, I. M. S. Mr. Thomas Luby, I. C. S., the Rev. Dr. R. H. Durham, the Rev J. M. E. Ross, Mr. B. C. Vaidya, Mr. Bernard V. Shaw, Mr. R. A. Bhagat, Miss F. R. Scatcherd, Mr. Ronald C. Baynes Mr. R. S. Greenshields., Mr. J.C.F. Holland, Mr. A, C. Cumming, Miss E. Binney, Mrs. A M.T. Jackson, Dr. Lawrence Fink, Mr. A. S. Hunton, Mr. Marlborough Crosse, Mr. H R. James, Mrs. Dick Cunyngham, Mr. J. Sladen, Mr. R. H. Cust, Colonel and Mrs. A. S. Roberts, Mr. F. C Channing, Mr. S. S. Gnana Viran, Mr. H. L. Leach, Mr G. M. Ryan, Mr. F. J. P. Richter, Mr and Mrs. H. R. Cook, Mr. B. C. Taylor, Mr. A. Toulmin Smith, Mrs. Creagh Osborne, Mrs. Drury, Mrs. Clark Kennedy, Miss Price, Mr. G. E. R. Grant Brown, Miss M. Sorabji, Mr. A. Page, Miss Sykes, Mr. J. W. Home, Colonel A. L. Caldwell, Mr. H. C. Barnes, Major Skene Thompson, Mr. H. M. Jagtiani, Mr. G. P. Whalley, Mr. J. E. Armstrong, Mr. C. Whitmore Clark, Mr. C. O'Brien, Mr. J. M. Gosh, and Mr. Stanley P. Rice, Hon. Secretary.

The CHAIRMAN: Ladies and gentlemen, I will now call upon Sir John G. Cumming to read his paper on "Crime and Police in India." Sir John possesses very special qualifications for the task he has imposed upon himself, for I think I may say he has held almost every post under the Government of Bengal that a civilian can hold. He was an assistant magistrate, magistrate in charge of a district, and for a time he was a Commissioner, and in addition, he has had great opportunities of learning all about the people by being a settlement officer. He has also held high posts, as he was in the Viceroy's Council. I think, therefore, we are fortunate in having one who has been for a whole generation —that is to say, for over thirty years—working amongst the people of India, to express his views upon so important a subject as crime and the relations between the Police and the people of India. As you know, the security of everybody out there is mainly dependent upon the police force, and no police force can be at all effective for its work unless it is more or less popular. A police force is strong when they have popular support behind them, and to anyone who has been entrusted with the duties of a settlement officer or who has been in

charge of a district where he not only heard all the reports sent in by the police but where, as a matter of fact, being magistrate, he was responsible for the action taken on them, it is particularly helpful to him to have an intimate knowledge of the people. You have in Sir John Cumming an officer who possesses that particular qualification.

I will now call upon him to read his paper.

The lecturer then read the paper :—

The wise and witty Sydney Smith wrote about a century ago that the object of all government was roast mutton, potatoes, a stout constable, an honest justice, a clear highway and a free chapel: in other words, a good standard of living, the maintenance of law and order, an impartial judiciary, easy transportation and religious toleration. Now in all dicussions of the functions of government, security of life and property is accepted as one of the fundamental: this means the maintenance of law and order, and includes the prevention and detection of crime. Owing to the geographical political and ethnical conditions of India, this duty of the maintenance of law and order has been in the past pre-eminently incumbent on the central government as established by law in India; and never was it of greater importance than now, when powerful disintegrating forces are at work, and when the transfer of certain branches of administration to indigenous responsibility has not in the least diminished the responsibility of the Indian Government to the British Parliament for the remaining branches which include the function of maintaining internal security.

The agency for exercising this function is the police force; and it is extremely necessary to realize what are the duties imposed on that force in India. In order to avoid misconception, it is desirable to remember that the analogy of this country is not altogether correct. Here in Great Britain, we are accustomed to the existence of distinct forces under boroughs or counties, subject to a certain control of the Home Office, but paid mainly from local rates. In India on the other hand, the police forces are highly centralized organizations directly under the Government, with each province as the unit, while all are paid by the State. In respect of control they are similar to the Metropolitan police, which, it should be noted, is a State police, and not a local police. The tendency has been to demunicipalize any forces which have been paid from local sources; and even in Calcutta which has become a cosmopolitan city comparable with the great cities of the West, the police force is a State charge and not a burden on the local rates. It would indeed be more profitable to make comparison, if any comparison be made at all, with the State police in a continental country like Italy, or with the Constabulary in Ireland, if the varied duties and the centralized control of the police forces in India are to be fully appreciated. Let me mention a few of the miscellaneous duties. In some provinces, the police still is the agency for the record of all vital statistics in rural areas, though develop-

ments are in hand for the transfer of that duty to other bodies. Then, again, except in certain large cities, the officer in charge of a police-station has to perform the duties of a coroner in the case of unnatural deaths. Moreover, the system of keeping the funds of the State in little money-boxes, called treasuries and sub-treasuries, at administrative centres all over the country, necessitates a considerable employment of police in the constant movements of treasure; and the still imperfect railway facilities in the rural areas impose likewise an additional burden in the escort of prisoners. These instances by no means exhaust the list of such miscellaneous duties.

Just as in this and other civilized countries, the police forces in India are meant primarily for the preservation of order, the security of the person, and the safety of property—in the words of the great Prefect of Paris, M. Louis Lepine. But the police in India also represents the right hand and arm of a Government which, however benevolent in intention and impartial in act, is an alien Government. Hence a proportion of the district forces is armed; there are armed reserves at headquarters which are employed on escort and similar duties other than purely police duties; and military police battalions have been embodied at selected centres.

It is true that the military forces in India can be, and have been, used for the suppression of internal disorder; but the disposition of those forces has necessarily been guided by two principles, the fixing of the centre of gravity of the military mass in accordance with the dictates of external military strategy and the protection of large centres of population. But to the great majority of Indian districts the existence of cantonments and military forces is unknown; and it is on the police, therefore, that the bruut of the burden in the repression of any local disorder naturally must fall.

Let me now describe in broad outline the present constitution and organization of the Indian police forces. At the bottom of the scale is the village watchman—in some cases the survival from Mughal or even pre-Mughal times; in others, the creation of the British Government, with varying names from province to province. His remuneration is by different methods—by land grants, by money payment, or by both—in the different provinces; and the control of the village watch varies from pure State control to pure local control, with combinations of the two in different proportions. But it is mainly an indigenous organization, and the prevailing characteristic is the self-protection of a village or group of villages. It needs no argument to understand that it is essential that there should be complete co-operation between these village units and the permanent forces of the Crown; indeed, it is both the ideal and the despair of all Indian police administrators to secure that co-ordination. Reams have been written about the reform of the village watch; but, in the words of Thomas Gray.

> "No sense they have of ills to come,
> Nor care beyond to day."

I have a warm corner in my heart for the humble village watchman.

After the village watch come the uniformed and disciplined forces of the Crown. They number about 200,000 men, with a controlling staff of 1,000 officers for the whole of British India proper, that is, exclusive of the Native States, with a population of 240 millions. The cost is 4½ millions sterling, which is cheap. In recent years there has been a tendency in the Legislative Councils and in the press to attack the expenditure on the police; accusations have not been wanting that it is a pampered service; the critics are zealous in expenditure for public welfare in the interests of education and health, but inclined to forget that a peaceful condition of society is the pre-requisite for all professions, for all trade, crafts and agriculture, and that it is not in India alone that police administration has become more complex and more expensive. Just contrast the cost of the Metropolitan police: a force of nearly 22,000 men costs 6½ millions sterling, and the expenditure has increased more than fourfold in the last twenty years. Then consider again the vastness of the area over which it is sought to uphold the *pax Brittanica*,—over a million square miles in British India. It cannot be too frequently emphasized in this country that we have to deal with a continent, not a country; and that it includes people of every conceivable type of civilization, varying from those, on the one hand, who for centuries have been accustomed to prey on their neighbours, to those, on the other hand, who demand and expect all the amenities which modern civilization can furnish. The proportion varies from nearly one police officer for three square miles in the closely packed United Provinces to one for eighteen square miles in the province of Assam with its vacant spaces. Again, there is one police officer to about 500 of the population in the turbulent North-West Frontier Province, while in the thickly populated, but generally law-abiding, area of Bihar the proportion is as small as one police officer to about 2,500 of the population. These figures are significant when one learns that in London and Paris, the ratio is about one policeman to 350 of the population, whilst in Great Britain, as a whole, the ratio is about one to 300. The recruitment is local in North, Upper, and Western India; but in Bengal and Burma the recruits have been to a great extent from Upper India. In Burma the military police includes Gurkhas and Sikhs, while the police of Rangoon are nearly all Punjabis. In Bengal before the war about two out of every three were natives of Upper India, and thus foreigners to the province; but in that province there has been a steady increase in local recruits until the proportion has been reduced to one in three. In the Madras Presidency it has not been difficult to recruit certain classes from the West Coast; but these men are foreigners in language and habits if they are allocated to the Tamil-speaking districts in the east of the Presidency. The rise in the cost of living in recent years is a well-known handicap in the matter of recruitment; but the recruitment of men who are foreigners in the districts in which they serve creates a difficulty which is perhaps not fully appreciated. The ideal is, of course to fill the ranks with contented, competent, and self-respecting men.

The organization, as it exists at present, is mainly the result of the Police Act of 1861 and of the changes effected by the Police Commission of 1905. The

unit of control is the district, familiar to all acquainted with Indian affairs as the unit of executive control, under a Superintendent : and there are widening concentric rings of authority under Deputy Inspectors-General and Inspectors-General. The administrative heads are supplied by the Indian Police Service, recruited until recently entirely in London, but gradually the grade styled Deputy Superintendent, the invention of the 1903 Commission, recruited in India, is supplying selected officers for the higher administrative duties. The Inspectors and Sub-Inspectors who form the investigating staff are locally recruited almost exclusively from the middle classes, and the rank and file of head constables and constables are from the agricultural classes.

The Sub-Inspector is the head officer at each police station, the jurisdiction of which forms the areas into which all districts and towns have been divided. He is the real centre round which all revolve ; the lesser luminaries, the constables, are his agents, while the higher officers make their tours with the periodicity of planets and occasionally with the eccentricity of comets. Instances have not been wanting in which rankers have risen to the highest position of power and responsibility : the controlling staff is only too eager to reward merit. One of the finest detectives of modern times in India joined the Bombay force as a head constable and became Superintendent of the Bombay City Police and was twice decorated. He was, it is true, a man of good family and well educated. I knew personally, in different parts of India two men who had remarkable careers. One started life as a village watchman, and had no education beyond the vernacular ; yet through pure merit he rose to be a Deputy Superintendent and received decorations. The other began his service as a constable, and at present holds the rank of Deputy Inspector-General

Each province has, within the last twenty years, made great strides in organizing training colleges and schools for the cadets in the investigating staff and for the constables. The object and the result of the curricula have been to produce better qualified servants of the public. In the case of the investigating staff, it was hoped that the taint of corruption would gradually be eliminated, as men were recruited of better education, better social status and better morals ; and, in the case of constables, that there would be a gradual approach to literacy and to the cultivation of intelligence. In three large provinces, only half of the rank and file, or even a smaller proportion, can read and write : in Madras, as might be expected, the standard of literacy is very high, and in the North-West Frontier Province very low. One result of this preliminary training has been to give to provincial organizations a greater *esprit de corps*, which, as elsewhere, tends to promote pride of calling and higher ideals of duty. There is, however, some misgiving when the complaint is made that the new type of Sub-Inspector, coming as he does from the ranks of the middle class instead of the lower middle class as before, is too much of a town-bred youth who knows too little of the rural economy of the agriculturists with whom he has to deal. But

there is very general evidence that the recruitment of a superior type, combined with improved training, is steadily improving the morale of the force and the respect in which it is held by the general public.

The work of the police in relation to crime falls naturally under the heads of prevention and investigation, and these heads may be considered separately. But, first, it is useful to survey as a whole the crime with which the police forces have to deal. I do not discuss here the researches of English, Continental and American sociologists into the causes of crime, or the views of criminologists and social reformers on the prevention of crime. For the present purpose I take merely the fact of crime. There is in India much that is familiar to us in Western countries : there is the crime of petty thefts, due to poverty or temptation ; there is the crime of passion ; and there is the crime of perverted brains in clever forgeries, in embezzlements by persons in positions of trust, and in swindling of all kinds, with the confidence trick in many Eastern guises. But there are certain classes of crime throughout the Indian continent with which we in Great Britain are almost entirely unacquainted : a certain type of co-operative crime, hereditary crime, and agrarian crime. By the term "co-operative" I mean the crime in which bodies of men among the criminal classes work jointly and by "hereditary" crime I mean the commission of deeds which in the eye of the law are illegal, but which are held by the culprits to be the natural result of their birth. A peculiarly Indian type of co-operative crime is dacoity, a word which has become familiar to English ears ; it is robbery with violence in bodies of five or more, as declared by Lord Macaulay's Penal Code, first framed in the late thirties of last century. The commission of an offence of this character is facilitated by the timidity of the average villager. Bands of dacoits are the real bugbear to the police officers in every province. It is said that the professional dacoit seldom reforms ; and it is a labour of Sisyphus to round them up in twos or threes, or in large numbers in what is called a "gang" case, with the certainty that as soon as they come out of gaol seven or ten years hence, they will re-coalesce and start again on their career of plundering their neighbours. The subjugation of these bands formed the main pursuit of the police in the early years of the occupation of Upper Burma ; but it is a trade which flourishes in the oldest provinces. Sometimes their violence makes them outlaws ; and in Upper India we hear of regular battles between armed dacoits and the police. Next, there are some castes which in the past have been entirely criminal and of whom many are now criminal ; others, again, have become criminal. These are what are styled the criminal classes. The Chappabands in the Central Provinces are an interesting survival ; originally camp followers of the Moghul armies as hut builders, as their name indicates—they have now become professional coiners. The Dusadhs in Bihar, from whom most of the village watchmen are recruited—on the principle of setting a thief to catch a thief—were originally a criminal class ; but many of them have now taken to honest avocations as labourers and domestic servants. But the real hereditary criminals are the criminal tribes,—those unfortunate children of nature to whom crime is instinc-

tive. While they add to the cares of administration, they certainly furnish a romance about crime, which the drab criminality of the West usually lacks. Every province in India has its representatives; there are about 4,000,000 of them in the whole of India; their numbers and variety deserve a lecture to themselves. They have been styled Ishmaelites and Outcasts by different writers. Take, for example, the Sansis of the Punjab; reputed to have had a full dose of original sin, with all the arts of the gipsy vagabond from snake charming to juggling; but every man, woman and child a thief. The Maghaya Domes may be mentioned to a London audience, as Sir Edward Henry, for fifteen years London's Commissioner of Police, was, during his Indian service, the first to take deliberate steps to reclaim them. In the Punjab, since 1914, a definite scheme of reformation through reformatories, industrial settlements and agricultural settlements, has been adopted. In Madras, similar settlements have been placed uuder a Commissioner of Labour. The Salvation Army has been called upon to help in the United Provinces, Madras, and Bengal, and with some of the criminal tribes a hopeful degree of success has been achieved. Twenty-eight years ago, and again three years ago I had to deal with this work at first hand, and can only say that it is a long, tedious and uphill job. Genuine progress must not be expected within a generation, and then only in the case of the young, if there were any chance of influencing them apart from their parents.

The other class of crime which I mentioned as unfamiliar to people in Great Britain is agrarian crime; that is to say, the riots which take place over the possession of lands, crops, fisheries and the like. I exclude from this category the riots which are the result of religious antagonism or which are the culmination of turbulence in resisting constituted authority. Conflicts about land between rival claimants are troublesome enough when there is the solid land which can furnish some silent testimony; but they are ten times more troublesome in the riverain areas of Bengal, where the ever-shifting sil of the big rivers is constantly making and unmaking cultivable lands. It is of course natural that in an agricultural country in which the pressure of the population lies heavy on the land the fight for land should be acute, and this form of crime lessens in those parts of India where the pressure is not so acute. Agriculture, moreover, in India spells cattle: cattle must graze: scarcity of grazing promotes cattle trespass on crops; and this is also a fruitful source of agrarian rioting.

But apart from these main differences from Western experience, there are individual forms of crime which are worthy of note. One such item is cattle theft. Cattle lifters were once familiar on the Scottish border; Sir Walter Scott in the "Lay of the Last Minstrel" mentioned the raiders who—

> " sought the leaves that made their broth,
> In England and in Scotland both."

But the professional cattle thief of India would shock the Scottish or English countryside of to-day. Cattle theft is rather prevalent in the Punjab, the United Provinces, the Central Provinces, and Bihar, also in Burma. Blackmail is the concomitant of theft,—a blackmail which is sometimes terrorism, sometimes unconscious humour. If so much is paid down, the owner will find that his cattle are to be found at a certain place. It is said that in Burma the owner will pay almost the value of his cattle as a ransom In that province the increase in this class of crime within recent years has alarmed the administration. On the other hand, it is claimed for the United Provinces that this very provoking form of theft has, owing to police action, been diminished within the last thirty years.

The exponent of another specific form of theft deserves mention—the professional river robber on the Ganges from Benares to the ocean. For years the existence of this menace to boatmen was hardly noticed, because the sufferers said nothing about it. But the creation within recent years of a river police force has checked the depredations of these river pirates, in addition to saving many lives from drowning ; and now it is difficult to realize how the provinces of the Gangetic valley ever managed without some organization of this kind.

Let us now briefly review crimes of violence. In the Indian records murder is associated with domestic quarrels, greed and disputes about land; but witchcraft is also a causal factor. There are in India instances of violent crime which are peculiar to the East or reminiscent of the Europe of more than a century ago During the appalling and mysterious influenza epidemic of 1918 there was prostration from the sickness and extreme mental depression. This led in one district of the Central Provinces to the murder of several men and women who were believed to be responsible by witchcraft for the disease. Then in 1919, in the United Provinces, a sorcerer, who had not been able to drive out an eivil spirit from a boy who was sick, was murdered by the boy's father. I have a painful recollection of an appeal in the case of some poor, supersitious aboriginals who had killed, as they thought, a witch and had received the capital sentence: in that appeal, I advised the head of the province on the propriety of exercising the perogative of mercy. The villagers were perfectly frank about it ; but not infrequently there is a conspiracy of silence when such cases occur. Instances of human sacrifices are also to be found in recent records: in the United Provinces a boy was offered to the goddess Bhawani, and a girl was sacrificed in order to propitiate the goddess Kali at Cawnpore, while in Bengal also, recently, a two-year-old child was sacrificed in a state of religious frenzy to the same goddess Kali. Again, there are the diabolical cases, fortunately rare, in which children have been murdered for the sake of their ornaments usually gold ear-rings or silver anklets. One more personal experience may be mentioned. In the time of Lord William Bentinck's administration, nearly one hundred years ago, the act called *suttee*, the self-immolation of a widow, was declared unlawful Genuine cases, however, still occur, and I had once to deal

with one such case of suttee. What struck me most on that occasion was that the public feeling in the village was entirely on the side of the widow. The fellow-villagers applauded her act at the time; and their mentality indicated that in their case no change in public sentiment as to the duty of a Hindu widow had been developed since 1829. The enquiries of the police were obstructed; and when at last, the leading abettors were punished, it was considered that the ways of the Sirkar were incomprehensible.

I might describe under the head of ' crimes of deceit " various forms of imposture, including the work of the professional poisoner, which always begins with imposture; but I refrain from troubling you with too much detail. There is, however, one type of swindling which has always struck me as the meanest of the mean. A party of illiterate country folk, probably unused to travel, go to a railway station to purchase tickets. A plausible man offers to help them; he takes their money, purchases some tickets, and hands the tickets to them. After they have travelled some distance, they discover at a ticket checking station that their tickets are for a very small portion of their proposed journey, and that this apparent benefactor has decamped with the excess money not required for the short journey. Or, I might dilate on various forms of anarchical crime, but I must refrain from straying into this side path, though I had much to do with this kind of crime. This much, however, I should like to say, that the courage and devotion shown by the Indian police in dealing with it cannot be too highly praised.

Before leaving the subject of Indian crime, it might be worth while to glance at the other side of the picture. Is there any form of crime common in this country which has no analogue in the East? Now, whatever may be urged in certain quarters against the excise administration in India, this much may be asserted with confidence, that crime which is the direct result of intemperance in drink is rare in India proper; it is from a drug like bhang, the Indian hemp, that instances may be found in which there is an outburst of ungovernable passion resulting in homicide. It is interesting to note that the Arabian preparation from Indian hemp is called hashish, and that it is the origin of our English word "assassin." This illustrates clearly the connection between this drug and murder.

I trust that you will not imagine after this short review that the Indian is exceptionally criminal; on the contrary. It is extremely difficult to appraise the incidence of crime between country and country, as the factors vary so much, and the statistics available are not all based on the same principles. It is true that in the East many crimes are never reported; and hence statistical inferences are vitiated. But it is perhaps permissible to make the following generalization : the average incidence of crime for every ten thousand of the population in India and Burma as a whole is about the same as in the large industrial centres in England. We may also say that robbery, whether with or

without violence, varies directly with economic stress, which again varies inversely with good or bad agricultural seasons.

Let us now consider the measures adopted by the police in dealing with crime. First of all, as explained already, let us take prevention. There is one Criminal Procedure Code for the whole of India, and in that remarkable piece of codified law there are provisions for preventing riots and for ensuring good behaviour. Suspects may at the initiative of the police be called upon by the Magistracy to show cause why they should not be bound down in specific recognizances to be of good behaviour ; the most common ground is that the suspect is an habitual thief. These provisions of law, known as the bad livelihood sections, can be, if honestly and discreetly worked, a great deterrent to wrongdoers ; if dishonestly and indiscriminately worked, an engine of great oppression. The local trial of such cases ,near the suspect's own home can usually disclose whether the prosecution is the result of personal animus, village vendetta, vague suspiction against an ex-convict, or real, throughly justified ill reputation. On the occasion of a large outbreak of burglaries it is the last refuge of the incompetent officer to make an ill-regulated raid on the men who are on the police books ; on the other hand, it is the first line of attack by the really competent police officer to analyze Intelligently his satistics of crime, and then to institute proceedings against the important few whom the test of elimination reveals· Sir Robert Anderson, a former head of the Criminal Investigation Department in London, once said that he could house in the wing of one prison all the English criminals who really counted· Here I would remark that in surveillance over the registered criminal, our police work in the East is generally defective. It is so easy to obtain the shadow of effective control without the substance ; but whereever real co-operation exists between the local public, the village watch, and the regular police, the task of real control is easy. These bad livelihood provisions of the law are stronglv worked in North, Upper and Western India, and in Burma. Under the head of prevention, may also be mentioned the many cases which do not find a place in criminal statistics concerning threatened agrarian or religious disturbances, but for which the police are entitled to credit. There are many trying occasions on which violence has been averted by the tact and good temper shown by the police officers concerned. The prevention of crime raises, of course, a much larger question than the working of the police forces ; but I may mention that the creation of children's court, of Borstal institutions, and of settlements of criminal tribes, has done something to attack at the source crime which depends on environment.

As reards the second main subdivision of the policeman's work—namely investigation—a great advance has been made through reforms initiated after the Commission of 1903. I might mention two defects which have been combated during recent years. One was the system of judging the work of police officers by the statistical results of the cases in the courts. A system of such statistics has its use in the hands of an intelligent police administrator when the control of crime as a whole has to be reviewed, but as a mechanical check on the work

of the individual police officer, it was usually an untrue and frequently an unfair guide. Even before the Commission sat, the evil had been diagnosed and more equitable tests were in process of adoption. What may be termed judicial success by the police in all but petty cases is highest in Bombay and the United Provinces, and lowest in the Central Provinces and Burma.

Another evil was the abuse of confessions. It was the aim of the old type of investigating police officer to obtain a confessing accused, and then to make him the pivot of the whole of the prosecution before the courts. It was so obviously easy, and its evidential value was apparently conclusive. But it was a system which lent itself to all kinds of abuse. Indeed, the practice, brought about its own nemesis; for it became a byword that an accused could make sure of his release by making a confession in a lower court and then retracting it in a higher court. An investigating staff is now growing up which is being saturated with the idea, taken from this country, that a confession should be treated as a mere incidental scene, and not the main act in the drama. Apart from that, the recruitment for the investigating staff of men of a better social status, and the improvement in the technical instruction in the training colleges, as well as the more rigorous selection of the upper grade called Inspectors, are bearing fruit.

There are two interesting departures from Western practice which deserve some comment in this connection. One is the permission given by a section of the Criminal Procedure Code to the police to refuse to investigate an alleged crime. Each province has different rules about this, and the practice varies to a remarkable extent; the application is, however, usually to thefts of unidentifiable articles. In fact there are two schools of thought as to the duties of the police with reference to petty crime. One view is that this type of refusal has to be carefully watched, as a complainant will not take the trouble to walk sometimes a considerable distance to a police-station to report his case, unless his loss, is in his eyes, considerable and important to him. The other is the view that it is waste of time to enquire into hopeless, petty, and unimportant cases. Hence we find one Inspector-General complaining because his staff refuses too many cases; and another complaining because his staff refuses too few. The varying practice is, indeed, startling: from 3 per-cent. of refusals to investigate reported crime in Burma to nearly 50 per-cent. in the Central Provinces. It appears that it is very difficult to lay down a general instruction in this matter without presuming more equality of discretion than is found among the class of investigating officers to whom it is addressed. Another instance in which Western practice differs is to be found in the law relating to statements made by an accused person during police investigation. In this instance, Indian law is more favourable to the accused than English law. In this country an arrested person is warned that any statement made by him may be used in evidence against him; but in India there is the very substantial protection to an arrested person that any self-incriminating statement made to any police officer is altogether inadmissible as evidence in court.

Under the head of investigation it may be mentioned that there is in each province a highly specialized branch known as the Criminal Investigation Department, which concentrates the detective energy of each provincial organization ; and at the headquarters of the Government of India, there is an Intelligence bureau which holds strings radiating, not only over all the Indian continent, but also to foreign countries As the Indian criminal develops in skill and ingenuity, so must the defensive organization be developed to meet him. Indeed, from a study of the literature of crime, I venture to hold that the best type of Indian detective compares not unfavourably in acumen, pertinacity, and integrity, with any of the famed investigators of England, France America, or Canada. The system of identification which has now received almost universal adaptation in the campaign against recidivism—I mean the system of finger prints—received its first serious practical application in India ; and Sir Edward Henry's development of its possibilities, especially in the matter of indexing, has entirely supplanted the system known as the Bertillon system of body measurements, which was tried for a time in India. Before I conclude, I should like to bear testimoney to the conduct of the Indian police during the strain of the Great War. Both during and since the war India has had some sore trials: unrest, actual disorder, anarchical outbreaks, inter-religious conflict, serious scarcity, economic strain owing to high prices and a disastrous outbreak of influenza. It speaks volumes for the respect and loyalty which British officers have inspired among their Indian colleagues and subordinates in the police forces, when it is found that the Indian police forces passed through the strain not only with satisfaction, but with credit, in the control of crime, though depleated in numbers and depressed by sickness and anxiety. In the United Provinces, one-sixth of the force volunteered for the army, and in the Punjab one-eighth.

This subject of crime and police in the great Indian Dependency is, as you may imagine, one of vast extent ; and I have therefore endeavoured on the present occasion to present simply a general conspectus. But I trust that I have shown that, in spite of many defects—the removal of which is prevented, not by want of knowledge or want of sympathy, but want of funds—and in spite of the inheritance of bad traditions from the past, the police forces of India constitute well-organized bodies, which are a tribute to the ideals with which the men who control them have been and are guided in endeavouring to make them good servants of the public which they protect, and of the Government which they serve.

The Chairman: Ladies and gentlemen, Sir John Cumming has covered so extensive a field in his remarks that it would be quite impossible to touch upon more than one or two points. I understand it is the practice here to invite discussion, and the Chairman, I believe, is expected to make a few remarks before inviting others to express their views.

Well, I have been so much connected with police work that I really hardly know which particular point I ought to say something about. The lecturer has referred to the reclamation of criminal tribes. My official connection with criminal tribes is this: I was District Magistrate of Champaran in Behar in the early eighties—a long time ago, I am sorry to say—and Champaran has for its northen boundary the Nepal Terai, a more or less swampy tract lying between the lower ranges of hill and our territory. Very few people can live there. Those who live there are called Auliyas—*i.e.*, men who have become immune to the dreadful malarial fever, known in the vernacular as Aul. When the rainy season is well over, it can be lived in, but taken throughout the year it is about the most pestilential place in the whole world. Here dwell a tribe of nomads known as Maghaya Dhomes. Dhomes are quite a large caste throughout India, but these, though known as Dhomes, are differentiated by the appellation Maghaya in fact, they have no real connection with the Dhomes. They are nomads, and, though able to converse in the vernacular of the district, have a language of their own, and even an epic of their own. They were born in the open, and had never been under a roof except when in jail. All men's hands were against them, and occasionally the Nepalese sent soldiers to shoot them down, and I am afraid, our treatment of them was not much better. They used to come and harry our villages; if a villager got in the way, they would not hesitate to knife him, and if the villagers were fortunate enough to resist them and got the opportunity, they trampled one or two of them to death. It was a a dreadful state of things —a disgrace to civilization and to our administration. I thought therefore I would try my hand, and see if I could do anything It so happened we were expecting a number of these men out of jail—a sort of jail delivery—and a great number were being released. They had been run in under the gang cases the lecturer has referred to. So I spoke to the Maharajah of Bettiah and other land-owners, and asked if they would help, and they said they would, and they supplied me with money and seed and bullocks, and, to make a long story short, I built some houses and got land and money, and then, when the wives and families of these people came and waited round the jail for the men to come out, I got hold of the wives. They were very fine-looking women, the men being small, wiry, and lithe; and in the statistical account of Bengal they are, Sir William Hunter says, so fleet of foot that a mounted man could not capture them. The women were very desperate when driven to bay. On an encampment being rounded up a woman would take a child by the heel and threaten to dash his brains out if the pursuit was pressed. That they were desperate criminals was due to the manner in which they had been treated. Well, the wives of these men said they would come along, and so we got fifty or sixty of them at first, and finally we had nearly five hundred of them, and put them into houses, gave them land, and made them cultivate the land; and we induced them to cultivate it in various ways—sometimes by methods not recognized by any code of criminal procedure. Anyhow, it proved a great success, and one of the most interesting features in connection with it was to watch what Sir Alfred Lyall calls the

surface-sweeping tendency of semi-Hinduism towards orthodoxy. They entertained a priest, or Guru, and gradually were forming themselves into a sort of Hindu sub-caste.

Well, eventually I left the district and lost sight of them; and this settlement is now being administered by the Salvation Army. I could talk to you about many things, but I am told that time is limited, and I must therefore be brief, as I uuderstand others wish to speak.

Sir John Cumming has referred to the strength of the police force, but has referred but little to the village police. You have not only 200,000 regular police, but probably eight times as many village police—something like 2,000,000 and not 200,000. And, mind you, the village policeman, the Chowkidar, is most important. For good results in investigation you are often dependent on the Chowkidar. The best detective in the world can do nothing without information, and it is from the village Chowkidar that information must be sought. In my days we tried to improve the village watchman in several ways. I got them a uniform in Bengal and got their pay incressed. I think we had about 190,000 in Bengal, with a regular police force of about 22,000. Well, that point has not been dwelt upon, but it is a point of importance. Anything which can be done to improve the status of the village Chowkidar will do more towards preventing crime than any other assignable improvement. That is only one of many things.

Sir John has also referred to the use of the police as an armed force for repelling disturbances. The armed police in my day had an old rifle with the rifling cut out, and they fired packets containing slugs. Personally, I would prefer a wound from a bullet to a wound from slugs. Incidentally I may say that infantry, whether they are armed police or military, are not the best agency for dealing with bodies of rioters. Mounted men are preferable. You cannot very well have cavalry in Bengal, because the ground is unsuitable. But in England mounted men can be used, and are more effective than footmen, and I will tell you why. I suppose many of you have been to the Derby, and you may have seen after the race the whole course so dense with people that you could not drop a pin between them, when suddenly in the distance half a dozen mounted police are visible, and then a girl perhaps walking alone with her young man looks round, clutches his sleeve, and others gradually edge away, and the desired disintegration of the crowd begins. The fact is that people can see the mounted man because he is high up, and so it is with the rioters in the street. The rioters at the back of a crowd cannot see infantry or foot police, but if cavalry come up they see them in the distance, and as it is only the first three or four ranks that have any stomach for the fight, when they find the people at the back are beginning to edge off and that their support is melting away they often deem it advisable not to stand. That is why I think the best force for dealing with rioting in a humane way is to employ mounted men. Then your foot soldier has only one effective arm, the other is holding on to his rifle and

bayonet; but the cavalryman's horse is a very effiicient agent in disintegrating a crowd. To deal with rioting without blood-letting, mounted men should be tried in the first instance, with infantry or foot police as a second line. Ladies and gentlemen, I have trespassed too long on your indulgence, and will now ask others to join in the discussion. I understand Sir William Nott Bower would like to speak.

(5) Sir William Nott Bower said he was quite unable to speak on the question of police in India; his experience had been entirely in Ireland and England. He quite agreed with what the Chairman said with regard to the use of mounted men in dealing with disturbances. Naturally they were the best body for dispersing crowds in a humane manner. In Ireland they had a plan of always sending two men with truncheons, each man with a rifle, so that there was always more than the one arm which the Chairman had referred to when it came to close quarters. He had been very interested indeed, but he was quite ignorant of Indian affairs, so that he was afraid he could say nothing on the subject.

(6) A Member asked why it was that the Tamils in the South of India had no police force of their own race, which the lecturer had referred to.

(7) The Lecturer: I can say at once that the reference is not to the fact that there were no Tamil policemen, but that policemen from the rest of India were sent to Eastern India, where they were foreigners.

(8) A Member asked if they had altered the rules about the tom-tom sounding, and so on, because there had been recently a riot in Madras, where the great complaint was that the police fired unnecessarily, and did not sound the tom-toms, and so on. The people said they were collecting to have a meeting, and complained that they were unnecessarily fired on.

(9) The Chairman said that practice of employing armed police is no innovation; they had to be employed in the Gaurakshani riots in the eighties. He remembered quite well sending out a party under a sub-inspector, who had written instructions as to when he was to fire. He went out, and unfortunately he had to fire, and some people were killed, and for his handling of the situation he, on his return, was promoted to commissioned rank. The question was raised in Council, and the explanation offered was that this officer was promoted, not because he fired, but because he showed extraordinary moderation in not firing more. That occurred thirty years ago, and a similar resort to extreme measures have not infrequently been taken since. It is a terrible thing to have to fire on an unarmed crowd, and it should only be done when there is no other way of enforcing obedience; but whoever resorts to it must be able to justify his action, and unless he can show that he acted with moderation, he would stand condemned.

(10) Colonel Sir Charles Yate said that everyone would join with the lecturer in bearing testimony to the conduct of the Indian police during the strain of the Great War, and the sore trials they were put to both during the war and afterwards. The main question they were concerned with was the question of the Indian police, and not the question of the English or Irish police. The lecturer had told them how the police force in India were responsible for the preservation of order, the security of the person, and the safety of property, and how the police had to bear the brunt of the burden in the repression of any local disorder. That was no doubt quite ture, and the first thing for them to consider in India was the necessity of a contented and loyal police force. (Hear, hear.) The great question was: Were the payments they made to the police in India sufficient to secure a really contented body of men? They had heard of the extra-ordinary small number of police there were in India in comparison with the population, and how much smaller it was as compared with England, and how very small was the cost of the police administration in India in comparison with this country. They should all take that to heart, and realize that what they had to do was to urge the Government of India to put the police once and for all on a really satisfactory basis. When one read of the miserable pay they got they realized how important it was to increase the status of the force in India. He did not know exacly what the pay of the police constable was in the various provinces, but at any rate it was far too low, and he hoped that the Government of India, especially in view of the serious condition of India at the present time, would take that point into consideration, and that they would hear no more of what the lecturer had descrided as the tendency in the Legislative Councils and in the Press to attack the expenditure on the police. He trusted that the new Legislative Councils would not forget that, as the lecturer has put it, a peaceful condition of society is the pre-requiste for all professions, for all trade, crafts, and agriculture, and that it is not in India alone that police administration has become more complex and more expensive; that, however good education might be, they would realize that education was of no use unless those educated had security to enjoy the benefits of that education, and thus quickly make up their minds that the police ought to be well paid, and that nothing should be left undone to secure that they had a really contented and well-paid body of men to look after the safety of the people of India. (Hear, hear.)

(11) Mr. Cotton said that, first of all, he wished to say with what great pleasure he had listened to the paper of his old friend Sir John Cumming. He did not think there was a single word in it to which one could take exception. It was an extremely fair and comprehensive presentment of the whole question. At the same time there was one important matter with which he conld not help wishing that the lecturer had dealt. He would like to have heard from him whether the attitude of the public towards the police in India had altered from what it used to be. When he was engaged in criminal practice in Bengal, he noticed that the prevailing atmosphere in which the police moved was always not...

one of suspicion and distrust. One always noticed that if anything occurred in a village it was usually the most unpopular man in the village who was given in charge that was the easiest way of settling any doubts. Then, again, it was always an easy matter to get hold of the police papers, and the police papers seemed to be arranged generally with a view to enabling a prisoner to have a very good chance of an acquittal. He felt sure there had been a great improvement in the *morale* of the police since those days, but it was not quite enough to improve the methods of recruitment for those at the head of affairs. He would like to have heard whether any corresponding improvement could be traced in the constitution of the lower ranks. He would also like to have heard whether local recruitment had taken the place of recruitment from outside provinces in Bengal. So long as they had what was practically a foreign police force they would never get a proper feeling between the police and the population. The people would be bound in such conditions to look upon the policeman as one who did not belong to them, and who could always be relied upon to be up to some sort of underhand game or other. He was practicularly speaking of Bengal and he wished the Government of that presidency had been able to take in hand the question of superseding the foreign police by constables locally recruited. He thought the experiment would be a great success.

He was in complete sympathy with what Sir Charles Yate had said with regard to improving the pay of the police, but there were great difficulties in the way. A very large number of heavy demands were being made, and would be made in the near future, upon the public purse, and many new developments were promised which were bound to be expensive. He would be glad if the lecturer could tell them something about the prospects of improvement in that direction; whether there had been any altertion in the popular view of the police; and, finally, whether anything was being done in the direction of getting rid of the outside element in the lower ranks of the force, all of which were subjects of great interest to him.

In conclusion, he would only say that the paper had been one of the best he had heard in connection with the Association. (Hear, hear.)

12. Mr. Jagtiani said one point which had been rightly emphasized was with regard to the village watchman, but they had yet to give a fixed place to him. The old village watchman had a certain status in the social organization of the village which he did not occupy to-day; he was neither a man of the village nor a unit of the Crown force. In many cases he was merely a personal attendant of a certain official or the district officer who went there. The lecturer had said that success in detecting crime more or less was dependent on the amount of support he was able to get from the public themselves, and he would like to ask the lecturer as to what were the chief causes of the lack of it where it was not forthcoming from the village. A third point which had been raised was with regard to the criminal tribes. The experiments which the Chairman had assisted to carry out by way of reforming them,

by giving them houses and providing a certain amount of work, lost sight of still another point which had got to be faced, and that was the fact that those criminal tribes worked under the disadvantage of having to bring up their children in the same surroundings as themselves, and that was a reform which ought to be faced by the Government; the children of those criminal tribes ought never to be brought up in those same surroundings, and he thought it was high time their conditions were improved. (Hear, hear.) Concerning the last point, he wished to add that he wanted to suggest that the method of segregating criminals was not the right one. The English, and more particularly the Italian, efforts have been on reformative rather than segregating lines.

13. Lord CARMICHAEL said that as a late Governor of a large province in India, he felt in the position of a man who ought to say a few words on the subject; there was no man who heard more of the faults of the police than the Governor, and it was his duty to try and find ont the causes of the complaints. In his opinion there was an improvement in the police in recent years, at any rate in Bengal, and he felt certain those who knew most of the subject would agree with him; and he would go further and say that the question of money had a great deal to do with it, All the time he was there that was his opinion. The police could be greatly improved still, but what they needed was money. When he was in Bengal they did get an increase of pay for the police, but it would have been far better if it had been given some years before. Unless they gave the policeman a living wage they could not expect any more than they could in this coutry to have police who would do their duty, and whom the people would respect. He agreed that it was an unfortunate thing to have a policeman who did not belong to the country itself. What could they expect if they had constables in the village who did not understand the language of the people, and whom the people could not talk to in their own? It was ridiculous to imagine they could have a perfect police force under such a system. They could not expect to get suitable men if they did not pay the current rate of wages. If they paid low wages in a part where the wages were high, they could not expect to get the men they would like to have got. He would like to mention one instance bearing on the question of pay, and that was in connection with his visits to a certain hospital in which there were often a large number of police suffering from illness. He remembered asking the doctor there why it was, and he replied that if he wanted to know the truth, the fact was that those men were suffering from starvation simply and solely; they did not get enough to eat. That ought not to be the case. It was impossible for men of their size and weight to keep in good health on the wages they received, still less to live and send away money to their dependents; therefore often they were driven to increase their earnings in other ways.

In days gone by, he had often pleaded with Indian gentlemen to encourage their sons or their relations to go into the police force, and he knew many Indian gentlemen who really cared about their country, and who wished to see

the country do well, and would like to see Indians taking part in that part of government of their country, but they said to him: "How can you ask us to let our sons go into a force of that sort; do you want us to put them into a position where we know they cannot live as they ought to live?" It was quite true.

Then, again, he thought there was a great deal in what had been said about the Chowkidar, and he thought they would have to pay more attention to that part of the force than the Government did in his time before they could get a satisfactory police force. (Hear, hear.)

14. Miss SCATCHERED said that she had been asked by Dr. Pollen to read a note or two from his letter she had received that morning on Sir John Cumming's paper, which he considered, as they would all agree, to be a very able and instructive one. Dr. Pollen writes:

"Sir John Cumming's paper on 'Crime and Police in India' is an able one and instructive. Personally I have always felt that we might have perfected the old village and district system of police without building up an elaborate European police department and a police secretariat. From the earliest days of my service I discouraged spying and anonymous petitions, and deprecated codfidential reports. Everything ought to be done in the open—in the door of the tent, or under the mango tree—*coram publico*. Whisperings and sneakings in police matters should have been systematically discouraged. I remember how I fought against the transference of power over the district police from the heads of the district to Inspector-Generals dwelling on hill-tops with their secretarial staffs, and 'all the measureless ills' of ignorant interference from above.

"I think the Criminal Investigation Department in a land like India was a huge mistake. In Bombay we put down 'Thuggism' without it (and Dacoity also on a large scale). Minute searching for crime begets crime, and a permanent staff engaged in such a task is a curse to any community. The best policeman is the policeman who knows how and when to look the other way. But I fear we have not hitherto had many 'best policemen' in India. However, I acknowledge we have had some excellent men like your Chairman, and especially in Bengal, as acknowledged by the lecturer.

"In dealing with riotous mobs in India, I have often thought one shonld be careful to use the right 'elements,' and in dispersing them 'water' has often been found more effective than 'fire.' A turbulent mob has sometimes been converted thereby into a laughing crowd. Police should be taught to use the hose on occasions."

She would like to congratulate the Society on having such a practical psychologist presiding as their Chairman. She had always maintained that in the higher grade of the police force, as well as in diplomacy, they should have trained psychologists, and evidently the present Chairman was one of these. She [illegible]dered whether there was any scope in India for a department of [illegible]omen

police, in view of the admitted failure of the men to deal with the wild women of the criminal tribes.

15 The CHAIRMAN: Sir John Cumming will perhaps now reply to one or two of the points that have been raised, and will answer any of the points that have not been already answered.

16. The LECTURER: Mr. Chairman, ladies and gentlemen, at this stage, I shall not detain you long. In the first place, I wish to thank those who have spoken in some terms of appreciation of what I have been able to place before you.

As regards the subject of the village watchman to which reference has been made, I intended to make it clear that the 200,000 men represented the uniformed forces of the crown; and I am wholly in accord with those who have spoken in agreeing that the best work is obtained hy co-operation with the village watchman. As regards the attitude of the public, to which one speaker has referred, I should like to say that it is impossible in one or two sentences to explain all the reasons why assistance is not given by the public, to the officers of the Crown. One might say that in a great measure success in police work in India is in spite of the public, whereas in this country it is certainly with the assistance of the public. I quite agree with what has been said by Sir Charles Yate, Lord Carmichael, and others. In one sentence, you cannot have a good police unless you pay them well aud house them well.

Lastly, on the subject of criminal tribes, with regard to which our respected Chairman has made some remarks, I had the honour of serving in the same part of the world about six or eight years after the period to which he refers, and in a small way I endeavoured to carry on the system which he initiated. Undoubtedly the work of the Salvation Army at the present time is the direct descendant of the work which he inauguratec. I would say, in reply to the speaker who suggeted that improvemeut of the criminal tribes could only come when the children were separated from their familes, that if he or any others can tell us how to separate the children from these unfortunate people, it would be useful. That is the great problem—there is also the same difficulty in the case of lepers—how to make any improvement or reform amongst the young, and how to take the children away from their parents.

With these few remarks, ladies and gentlemen, I thank you again for your appreciation. (Loud applause.)

Mr. VIRAN, in proposing a hearty vote of thanks to the lecturer for his interesting and instructive paper, said that he came from the extreme South of India, and it might interest them to know the sort of pay the policemen got got there. They got seven rupees a month, or about fourteen shillings a month, and they did good work, and the people had great respect for those men. As far as he he knew they were recruited loca lly.

Mr. PENNINGTON seconded the proposal, which was carried by acclamation.

The proceedings then terminated.

Appendix II.

OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, VELLORE SECTION.

Vellore, dated, 1st October 1920.

Dis. No. 1132 D of 1920.

CERTIFICATE.

I hereby certify that the North Arcot District Police Sub-Inspectors' Co-operative Society, Limited, No. C. 597, in the Vellore Town, Vellore Taluk, North Arcot District is registered by me as a Co-operative Society under Section IX of India Act II of 1912 on the basis of limited liability.

A copy of the By-laws as registered by me is appended to this order and the Society is authorised to commence work.

Date of registry :—1ST OCTOBER 1920.

(Sd.) O. N. RAMASWAMY AYYAR,
Assistant Registrar.
17—10—20.

BY-LAWS

OF THE

"......................District Police Sub-Inspectors' Co-operative Society (Limited) No. 5217."

—————:o:—————

NAME, CONSTITUTION AND ADDRESS.

The......................District Police Sub-Inspectors' Co-operative Society, Limited, No. 5217 is registered as a co-operative society under Act II of 1912 (India). Its address shall be........................post, in the taluk of...............in the............ ....District. Its operations shall be confined to the District of.................;

Objects.

2. The objects of the society shall be :—

(1) to borrow funds from members or others to be utilized for loans to members for useful purposes ;

(2) to act as the agent for the joint purchase of the domestic and other requirements of its members ; and

(3) generally, to encourage thrift, self-help and co-operation among the members.

Membership.

3. The liability of the members of the society shall be limited to the share capital subscribed by them.

4. The capital of the society shall, for the present, be Rs. 5,000 made up of 500 shares of Rs. 10 each. The value of each share shall be paid either in one lump sum on allotment or in instalments. When paid in instalments Rs. Two shall be paid at the time of taking the share and the balance in 16 months commencing from the month subsequent to that in which the share was taken. The monthly instalment of 0-8-0 per share shall be paid on or before the 15th day of the month to which it relates. The month in this by-law means the British calendar month. A member who has elected to pay the share value in instalments may pay the whole or any portion of the balance at any stage in advance. If a member is in arrears to the extent of a sum equivalent to or more than three monthly instalments his name may be removed from the list of members in which case he shall be paid back, after the statuory period fixed in by-law (8) below, the share capital actually paid by him after deducting therefrom the moneys if any, due from him to the society, and such share capital shall not be eligible for any dividend. If the payment is not made on the due date a fine of two pies per rupee per mensem will be levied and the defaulter will be debarred from exercising the privileges of membership. It shall be competent for the Board of Directors to refuse to admit a person as a member unless the applicant shall agree in writing to permit the Head of office to deduct the inatalments of share capital from his pay.

5. Any Sub-Inspector employed in the ....District and residing within the area of operations mentioned in by-law 1 may become a member and continue as such provided that no person can claim admission as a member as a matter of right. When such qualification ceases to exist, the member shall cease to be a member. No person who is a member of another co-operative society registered on the basis of unlimited liability shall be admitted as a member.

6. Applications for admission as members and for allotment of shares shall be made to the Secretary in the form, if any, prescribed by the society for the purpose. Every such application shall be disposed of by the Board of Directors who shall have power to grant admission or to refuse it without assigning reasons.

7. Every member shall take at least one share, but no member shall take more than 20 shares. Every member shall pay an entrance fee of two annas for each share taken by him at the time of taking the share provided that the total payment of entrance fees by any one member for all the shares held by him shall not exceed Rs. 1-4-0.

8. No member shall be permitted to withdraw any of the shares held by him in the society within two years after the date when shares were taken by him. But a member may withdraw shares with the consent of the Board of Directors after such period provided firstly that he has given at least six months' notice of withdrawal, secondly that the total amount of share capital that is permitted to be withdrawn in any one year does not exceed 10 per cent. of the aggregate paid-up share capital of the society as it was on June 30th preceding, thirdly that there are no debts due from him to the society and fourthly that there are no debts due to the society in regard to which he has stood surety. When a member withdraws shares under this by-law, he shall be paid back the share capital actually paid by him with the dividend declared if any.

9. Should a member cease to be eligible for membership either on account of the removal of his residence from

limits prescribed in by-law 1 or for any other cause except under by-law 4, the society may remove his name from the list of members and pay back within a reasonable period to such member the share capital actually paid by him with the dividend declared after deducting therefrom the debts if any due from him to the society either as principal debtor or as a surety; provided however that a member who is transferred out of such limits before the end of the co-operative year or before the loan he has obtained is fully repaid the Board of Directors may permit him to continue to be a member till the co-operative year is over so as to enable him to get the dividend on his share capital and till the full period of his deposits or repayment of his loan is over, subject to the condition that if he has obtained a surety loan and if the sureties express their unwillingness to continue as sureties on account of his transfer, the member shall execute another bond for the balance due with fresh sureties.

10. (1) If a member dies his membership shall *ipso facto* cease. (2) (*a*) Every member of the society may nominate any person to succeed, in the event of his death to his share or interest in the society. Such nomination shall, in the event of his death, be given effect to by the society provided—

(i) the nomination was signed by the deceased in the presence of at least two witnesses attesting the same;

(ii) the nomination has been registered in the books of the society kept for the purpose; and

(iii) the person nominated shall have been admitted by the Board of Directors as a member of the society under by-law 6.

(*b*) In the event of there being no person nominated by the deceased and entitled to succeed to his share or interest in the society, the heir or legal representative of the deceased, or any person nominated by such heir or legal representative within one month of the death of the deceased member, shall be entitled to succeed thereto provided such heir or legal representative or his nominee shall have been admitted by the Board of Directors as a member of the society under by-law 6.

(*c*) In the event of there being no person entitled to succeed under clause (*a*) or (*b*) of this by-law to the share or interest of a deceased member of the society, the society shall pay the nominee of the deceased or to his heir or legal representative as the case may be, a sum representing the deceased member's share or interest at the time of his death ascertained in accordance with the by-laws of the society.

11. (1) A past member shall be liable, as provided in by-law 3, for the debts due by the society as they existed on the date when he ceased to be a member, for a period of two years from such date.

(2) The estate of a deceased member shall be liable, as provided in by-law 3, for the debts due by the society as they existed on the date of his decease, for a period of one year after his decease.

12. No member shall be permitted to transfer his share or shares or create a charge in respect of the same in favour of another member or person except with the previous sanction of the Board of Directors.

13. With the sanction of the Board of Directors a member may, at any time, increase the number of shares held by him so as not to exceed the limit of 20 shares laid down in by-law 7.

Deposits-

14. Deposits may, at the discretion of the Board of Directors, be received at any time from members or non-members.

15. Deposits from members shall be given preference to deposits from non-members

16. There shall be four classes of deposits (A) Fixed, (B) Recurring, (C) Savings, and (D) Chit funds :—

(A) Fixed Deposits.

(i) A fixed deposit is the deposit of a fixed amount of money for a fixed period of time. No fixed deposit shall be received for a sum less than Rs. 10 or an exact multiple thereof, or for a period less than three months.

(ii) Interest shall ordinarily be calculated on fixed deposits at a rate not exceeding $6\frac{1}{4}$ per cent. per annum. Should a fixed deposit from a member or from a co-operative society be made for a period of not less than one year, the deposit being not less than Rs. 100, interest may be paid thereon at a rate not exceeding 7 per cent. per annum. Interest on fixed deposits shall be paid yearly or at such shorter intervals as may have been agreed upon at the time of deposit.

(iii) The interest on a fixed deposit shall cease on the expiry of the period for which the deposit was made, unless notice in writing of the intention to renew the deposit for a further period of not less than six months has been received in the office of the society before the expiry of the original period. The society is not, however, bound to renew a fixed deposit after the expiry of the period for which it was made, but in case of such refusal interest shall be payable at the former rate until the date of such refusal.

(B) Recurring deposits.

A recurring deposit is a deposit made by a person who undertakes to pay to the society every month a fixed amount of one rupee or a multiple or a sub-multiple thereof for a period of 12, 24, 45, 84 or 132 months. A depositor, paying one rupee per mensem for a period of 12, 24, 45, 84 or 132 months shall, before the close of the 14th, 26th, 47th, 86th or 134th month rece[illegible] a sum of Rs. 12-6-8, Rs. 25-8-0, Rs. 50, Rs. 102-8-0 or Rs. 180-8-0, respectively, as the case may be, out of which the sum of Rs. 12, 24, 45, 84 or 132 shall be debited in the accounts as repayment of principal and the balance as interest thereon. Every recurring depositor shall pay his monthly deposit before the end of the calendar month to which it relates, failing which he shall be charged a fine of two pies per rupee per month or fraction thereof on every rupee overdue. Should a recurring depositor be in arrears to the extent of a sum equivalent to or more than four monthly instalments his deposit account shall at once be closed and he shall be paid back the amount actually paid by him it being open to the society to credit the whole or part of such amount towards any money due from the depositor to the society. In such a case any fine imposed under this by-law shall be remitted. It shall be competent to a recurring depositor with the consent of the Board of Directors to alter the nature of his recurring deposit to any of the categories of such deposits prescribed in this by-law.

(C) Savings deposits.

(i) The Board of Directors may permit any person to open a savings deposit account with the society. The minimum amount that a person shall hold in the account shall be Rs. 10 and the maximum that can be received from a depositor in any one year shall be Rs. 1,000 and that the amount to his credit at any time shall not exceed Rs. 2,000.

(ii) Interest shall be calculated on the savings deposit at $3\frac{1}{8}$ per cent. per annum on the lowest credit balance on any date of each month. A depositor shall ordinarily give 2 days' notice before each withdrawal of money and he shall not withdraw more than Rs. 100 in a week.

(iii) Every savings depositor will be supplied with a pass book for which he shall be charged 1 anna. If the pass book is lost he shall be charged 2 annas for the supply of a fresh pass book.

(D) Chit funds.

On an application of ten or more members the Board of Directors may start and conduct chit funds to secure savings and may frame rules for that purpose subject to following conditions :—

(*a*) the number of members of a single chit fund shall be not less than 10 and not more than 24 ;

(*b*) the total amount of any chit fund shall not be more than Rs. 2,400 ;

(*c*) the period during which a chit is to run shall be not less than 10 and not more than 24 months ;

(*d*) every chit member must subscribe for at least one share but no member can take more than three shares ;

(*e*) the method of disposal of a chit amount shall be under the auction system under which the pool or amount subscribed by all the members is knocked down to the member who bids the highest discount as consideration for drawing the pool. When there is no bid, the collection, less 3 per cent. shall be lent to the number selected by casting lots among all the members who have not already had loans under the system or when two or more members bid the same discount, selection by casting lots shall be made among them ;

(*f*) the discount in disposing of any chit fund shall be not less than 3 per cent. and not more than 6 per cent ;

(*g*) the members applying for the starting of a chit fund shall be jointly and severally responsible for any loss arising by any member or members of the chit failing to fulfil their engagements and the society as a whole shall not be responsible for such loss ;

(*h*) the Board of Directors shall have full discretion in the matter of obtaining security from members to whom the chit amount is allotted.

(*i*) out of the discount or interest collected, one anna in the rupee shall be appropriated by the society towards the cost of establishment, the remainder being distributed among the members of the chit fund in the proportion of their shares ;

(*j*) any sums due to the society by members who are also subscribers to a chit fund may, at the discretion of the Board of Directors, be deducted from the chit amount or discount or interest when it falls to them.

OTHER BORROWINGS.

17. It shall be competent to the Board of Directors to borrow funds other than by way of deposits either from members, or from persons other than members, or from institutions registered. under the Indian Companies Act or under the Co-operative Societies Act provided that the interest payable on the borrowed amount shall not, in any case, exceed 8½ per cent. per annum.

MAXIMUM BARROWING LIMIT.

18. The total borrowings of the society both by way of deposits or otherwise and whether from members or others shall not at any time exceed four times the paid-up share capital plus the reserve fund.

MANAGEMENT.

19. Subject to such resolutions as the general body may from time to time pass, the executive management of the affairs of the society shall vest in a Board of Directors. The Board of Directors shall consist of not more than 7 members.

20. The members of the Board of Directors shall be elected by the general body for a period of one year from among the members. Members of the Board of Directors shall continue in office after the expiry of their term of office, until by election another Board is constituted.

A retiring member of the Board of Directors shall be eligible for re-election. After the Board of Directors is elected by the general body, they shall elect from among themselves a President and a Secretary. Interim vacancies on the Board of Directors may be filled up by the remaining members of theBoard by co-option for the unexpired portion of the period except in cases contemplated in by-law 24. Any member or members of the Board of Directors may at any time be removed by a resolution of the general body.

21. The Board of Directors shall meet once a month or oftener, if necessary, to conduct the affairs of the society. No decision of the Board of Directors shall be valid unless it is passed by at least 4 members. All questions before the Board of Directors shall be decided by a majority of votes. Should there be an equality of votes, the President or other presiding member shall have a casting vote. No member of the Board of Directors shall be present, at a meeting of the Board when any matter in which he is personally interested is being discussed. In case of urgency where there may not be sufficient time to convene a meeting of the Board of Directors and in all cases in which such a procedure may, from time to time, be prescribed by the Board of Directors, the Secretary may obtain the orders of the Board of Directors by circulation of papers among the members present at the head-quarters of the society. Such decisions arrived at by circulation shall be placed before the next meeting of the Board of Directors for their ratification. Should a difference of opinion arise in the course of such circulation, the matter shall not be decided by circulation but shall be placed before a meeting of the Board of Directors.

22. Should a member of the Board of Directors absent himself from four consecutive meetings of the Board, he shall cease to be a member of the Board of Directors but may be reinstated by the Board.

23. Subject to such resolutions as the Board of Directors may from time to time pass, the several officers of the society shall have the powers mentioned below:--

(*a*) The President shall have a general control over all the affairs of the society and shall ex-officio be the Treasurer and shall have the custody of all the properties of the society. He shall also have power to appoint the members of the establishment as well as to fine, suspend or dismiss them, subject in the last two cases to the approval of the Board of Directors.

(*b*) The Secretary shall be responsible for the executive administration of the society subject to the control of the President.

(*c*) The Secretary shall be the officer to sue or be sued on behalf of the society and all bonds in favour of the society shall be in the name of the Secretary.

(*d*) Should the Secretary require relief from work, it shall be competent to the President to grant such relief, making suitable arrangements for the conduct of work by one or more of the members of the Board of Directors.

24. Any member of the Board of Directors who commits default in respect of a loan taken by him from the society shall *ipso facto* be considered disqualified to continue as an office-bearer. But if the default has been for a period of three months or less, the defaulter may be reinstated by the general body on his showing good cause for the default. In no circumstance shall a defaulter continue to hold office as a member of the Board of Directors if his default has continued for more than three months.

25. Receipts shall be issued for all moneys paid to the society. For moneys paid by members the receipt shall be signed by the President or the Secretary or who-ever is selected by the Board of Directors to discharge this function. In

the case of borrowings from non-members or from other societies, the receipt or bond shall be executed by at least 3 members of the Board of Directors of whom the Secretary or the President shall be one.

26. It shall be the duty of the Board of Directors to maintain such accounts and registers as are prescribed by rule VII of the rules under the Act and by the Registrar from time to time, to place before a general meeting of the members the Registrar's notes of audit or inspection within one month from the date of receipts, to correspond with the Registrar and to do all other business relating to the society.

27. The Board of Directors shall have power to prescribe from time to time the scale of office establishment and to incur such expenditure as may be necessary for the management of the society with reference to the scale and within the budgeted allotment sanctioned by the general body for each year. It shall be competent to the Secretary to incur petty contingent expenditure subject to a maximum of Re. 1 for any item.

28. The Board of Directors shall be competent to fix the amount and nature of the security, if any, to be given by the office establishment.

29. It shall be competent to the Board of Directors to frame subsidiary by-laws for the conduct of the business of the society consistent with the Act, the rules under the Act and these by-laws. Such subsidiary by-laws shall be entered in the minute book of the society and they shall be reported to the Registrar of Co-operative Societies for approval.

30. The services of the members of the Board of Directors shall be gratuitous except as provided for in by-law 54.

GENERAL BODY.

31. The ultimate authority in all matters relating to the administration of the society shall be the general body of the members who shall meet from time to time and at least once a year to conduct the work of the society. The following among other matters shall be dealt with by the general body:—

(1) the election and removal of the Board of Directors;

(2) the annual report due to the Registrar of Co-operative Societies;

(3) the Registrar's annal audit order;

(4) the amendment or repeal of any existing by-law or the enactment of new by-laws;

(5) the expulsion of a member;

(6) the consideration of any complaint which any individual member may prefer against the Board of Directors; and

(7) the returns that may be prescribed by the Local Government.

32. A meeting of the general body of the members may be convened, whenever necessary, for the conduct of the business by the Board of Directors and shall be so convened by the Board of Directors at the request of 15 or more members or at the instance of the Registrar or by a member of the governing body specially deputed by a resolution of the governing body of the union to which the society is affiliated.

33. It shall be the duty of every member to attend the meetings of the general body. The quorum for a general body meeting shall be 15 or one-fourth of the total number of members on the list at the time, whichever is less.

34. The President, when present, shall preside at the meetings of the general body. In his absence, the body may choose a chairman from their number to preside at the meeting. Every member present shall have one and only one vote. All questions shall be decided by a majority of votes of the members present and

voting. When votes are equal, the chairman of the meeting shall have a casting vote.

35. Three days' notice shall ordinarily be given to members before a meeting of the general body is convened.

36. If a member deceives the society in any way, or if his general conduct is such as to render his removal necessary in the interests of the society, it shall be open to the general body to expel such member. An expelled member shall be paid all moneys due to him from the society, after deducting therefrom any money due from him to the sociery. A member who drives the society to court to recover the money due from him shall, for that reason, be expelled from membership. An expelled member shall be liable, as provided in bylaw 3, for the debts due by the society as they stood on the date of his expulsion for a period of two years after such expulsion.

LOANES.

37. Loans shall be given only to members, but no member can claim a loan as a matter of right. Applications for loans shall be disposed of by the Board of Directors.

38. All applications for loans shall be made to the Secretary in the form, if any, prescribed for the purpose and he shall place them before the Board of Directors.

39. Loans shall be given only for purposes which in the opinion of the Board of Directors are considered useful.

40. Should the Board of Directors be of opinion that a loan granted by the society has been misapplied it shall at once take steps to recover the loan with interest without waiting for the expiry of the period for which it has been granted.

41. No member shall at any time be indebted to the society by way of principal to the extent of more than Rs. 500 on account of any loan or loans taken by him. Subject to this limit, a member may at the discretion of the Board of Directors be given a loan not exceeding Rs. 40 for every share held by him or four times his substantive pay per month, whichever is less. But a member may at the discretion of the Board of Directors be given a loan not exceeding 80 per cent. of the amount to his credit by way of deposits in the society and the limit fixed in By-law 41 does not apply.

42. Interest on loans granted by the society shall for the present be charged at $1\frac{1}{4}$ pies per rupee per mensem, the first month being reckoned from the date on which the loan is paid to the corresponding date of the next. Interest on all loans shall be paid monthly. The monthly interest shall be paid on or before the 15th of the month succeeding that to which it relates. A fine of 2 pies per rupee per mensem will be levied on all overdue instalments of interest. Every fraction of a month shall be treated as a whole month if it be more than 15 days and as half a month if it be 15 days or less.

43. Loans shall be secured in one or other of the following methods.

(1) on the security of the deposit, if any to the credit of the borrower, not exceeding 80 per cent. of the amount of such deposits.

(2) of the joint and several responsibility of the borrower and one or more other members standing sureties for him provided that the total amount for which a member can stand surety shall not exceed Rs. 40 for each share held by him or four times his substantive pay per mensem, whichever is less;

(3) on the mortgage of unencumbered immovable property wholly belonging to the borrower not exceeding 50 per cent. of the estimated market value of such property;

(4) on the pledge of Government promissory notes or Government Savings Bank Deposits or Postal Life Insurance

Policies not exceeding 90 per cent. of the surrender value.

(5) as a joint loan as described in by-law 52; or,

(6) on the personal responsibility of the borrower alone to the extent of the pay earned by the borrower till the date of the application of the loan provided that he agrees to allow the head of office to recover that amount from his next month's pay.

It shall be competent for the Board of Directors to refuse to grant a loan unless the applicant shall agree in writing to permit the head of office to deduct instalments from his monthly pay to discharge the whole or part of the loan.

44. In granting loans, preference shall be given to loans on the security of the deposits, if any, of the borrower with the society. All other loans shall be paid in the order of their sanction.

45. The amount borrowed may be repaid at the convenience of the borrower, in easy instalments, within the period fixed for the loan, interest after each payment being calculated on the balance of the principal due provided that no partial repayment shall be accepted other than in whole rupees and provided also that when a repayment shall have been made on or before the 15th of the month, the abatement of interest shall only take effect from the 16th of that month and when a repayment shall have been made after the 15th of the month, the abatement of interest shall only take effect from the 1st of the next month.

46. The period for the repayment of each loan shall be fixed at the time of granting it according to the circumstances of the borrower and the purpose of the loan; loans shall be ordinarily repayable in not more than 16 equal monthly instalments commencing from the month succeeding that in which the loan is disbursed. But the Board of Directors shall have authority to spread repayment over a longer period and to give such extensions as may seem desirable from time to time provided that the total period including extensions shall not exceed 24 months in all and provided further that in the case of suretyship loans no loan, extension shall be granted without obtaining the written consent thereto of the sureties. Instalments of repayment of any loan shall be fixed without prejudice to the monthly subscriptions prescribed under by-law No. 4. When a borrower is absent from duty for a whole month, no recovery will be made for that month but where the absence lasts for only a fraction of the month, the amount to be recoverable should roughly bear the same proportion to the ordinary repayment instalment as the actual pay received by a borrower for the month bears to the full month's pay. The monthly instalments shall be paid on or before the 15th of the month succeeding that to which it relates. Should a borrower be unable to pay a prescribed instalment of principal, the Board of Directors may, for satisfactory reasons, and with the general permission of the Registrar suspend the payment of that instalment by the grant of an extension or a fresh loan for that amount. If a borrower is in arrears for any instalment of principal of interest and the Board of Directors does not deem it necessary to grant an extension or a fresh loan the whole outstanding loan becomes recoverable and the Board of Directors may, and if the default continues for a period of more than three months, shall, at once close the account. On overdue instalments of principal, a fine of two pies per rupee per mensem shall be levied. All cases of extensions and reloaning shall be reported to the general body and to the Registrar at least once a year.

Should, however, a borrower be unable to pay the prescribed instalment of the loan within three months beyond the due date, the Panchayat may for satisfactory reasons to be recorded in writing and with the approval of the general body and the

local union to which the society is affiliated, sanction extension for a period of one year. If further extension is for sufficient cause considered absolutely necessary the Panchayat may either give a second extension in precisely the same manner as in the first year subject to proper arrangements as to security or may, with the permission of the general body and the local union to which the society is affiliated, show a repayment of the loan by book adjustment and reloan the money on a fresh bond on such terms as may appear equitable. Defaults shall not in any case be permitted for more than three successive months without extension, renewal or closing the account. For overdue instalments of principal, interest shall be paid from the date on which the instalment becomes overdue till the date of repayment of the same at the rate of 2 pies per rupee per mensem provided that no penal interest is leviable on amounts and periods covered by such extension. No extension or renewal shall be granted without the general permission of the Registrar and all cases in which they have been granted shall be reported to the Registrar at least once a year.

47. The amount of paid-up share capital deposit and any other money to the credit of a member or a past member shall be subject to a first charge in favour of the society in respect of any moneys due to the society from such member or past member. The society shall be at liberty to appropriate the whole or any portion of such paid-up share capital or deposit or any other money or moneys due by the member to the society.

48. When a member from whom money is due, pays any sum, it shall be appropriated in the following order :—

Firstly, to fees, fines, postal, registration and other miscellaneous charges due by him ;

Secondly, to interest due by him, and

Thirdly, to principal.

49. When a loan is cancelled by the Board of Directors under by-law 40 on account of its misapplication, the loan account shall at once be closed. When an account so closed or closed under by-law 46 the Board of Directors shall inform the borrower of the fact and of the amount outstanding against him including interest up to the date of closing the loan account. On the total amount so found due, the borrower shall be charged interest at two pies per rupee per mensem from the date of closing the loan account to the date of recovery and steps shall be taken without delay to recover the amount.

50. When a surety dies or ceases to be a member under by-law 4 or 9 or 63 and his name has on that account been removed from the list of members, the Board of Directors shall require the borrower to produce a fresh surety. If a fresh surety is not produced or arrangements are not made to repay the loan within a time to be fixed by the Board of Directors, the loan account shall at once be closed and action taken as laid down in by-law 49. In respect of such accounts also interest shall be charged at two pies per rupee per mensem from the date of closing the loan account to the date of recovery, provided that when the borrower ceases to be a member by reason of his transfer from the District of.................the Board of Directors may at its discretion give him a reasonable time to repay the loan.

51. If a member becomes ineligible for membership at any time and his name has on that account to be removed from the list of members under by-law 4 or 9 or should a member be expelled under by-law 36 the loan account, if any, of the member concerned shall at once be closed without reference to the term for which the loan has been granted and action shall be taken to recover from the borrower the amount outstanding against him including interest up to the date of closing the loan

account. Interest shall be charged at two pies per rupee per mensem on the amount so found outstanding from the date of closing the loan account to the date of recovery.

JOINT LOAN.

52. On an application in writing (in the form to be prescribed from time to time) of five or more members, the Board of Directors may grant a joint loan to the members so applying subject to such rules as may from time to time be framed by the Board of Directors with a view to supply domestic and other requirements, provided that—

(1) the number of members of any joint loan be not less than five or above twenty;

(2) the period for which the joint loan runs be not more than fifteen months;

(3) the total amount of any joint loan be not more than Rs. 1,000 but shall not exceed Rs. 50 per share of the members who apply;

(4) each joint borrower shall be required to state in the application the quantity of the domestic and other articles he requires and the maximum price he is prepared to pay and shall further bind himself to pay all incidental expenses at a rate to be finally settled by a sub-committee as constituted below;

(5) the members applying for the joint loan be jointly and severally responsible for any loss arising by any of the members of the joint loan failing to fulfil their engagement and the society, as a whole, shall not be held responsible for such loss;

(6) the general provisions regarding loans set out thereafter shall apply as far as possible to the money due from each of the members subscribing to the joint loan, interest running from the month in which the society has to borrow to meet the joint application;

(7) the operations of purchase and distribution shall be conducted by a sub-committee consisting of a member of the Board of Directors to be elected by the members thereof and one of the members subscribing to the joint loan to be elected by the subscribers;

(8) in the case of difference of opinion between the members of the sub-committee the decision of the Board of Directors shall be final;

(9) it will be open to the sub-committee after obtaining the sanction of the Board of Directors to supplement the joint loan sanction by the Board of Directors with contributions from the subscribing members, but the society will have a prior lien on the commodity purchased to the extent of the joint loan and incidental expenses, if any, incurred by the Board of Directors.

JOINT PURCHASE.

53. The Board of Directors may purchase wholesale the domestic and other requirements of the members; but in making such a purchase it shall act only as the agent of the members and shall accept no liability for any loss occurring in the transaction. Purchase shall be made only to the extent of the requirements of those members who are able to pay in cash or to whom the society is able to give a loan for the purpose of payment or who shall authorize the Head of office to deduct from their next month's pay and to hand over to the society the value of the articles purchased. Accounts showing these transactions shall be maintained in such forms as the Registrar may prescribe. Subsidiary by-laws may be framed by the Board of Directors for purposes of these purchases subject to their approval by the Registrar.

Profits.

54. The net profits of the society as declared by the Registrar every year shall be disposed of as shown below :—

(1) Twenty-five per cent. shall be carried to the credit of the reserve fund;

(1) the balance may be paid as dividend to be divided among members proportionately to the amount of paid-up share capital held by each (the dividend paid not to exceed 9 per cent. on the paid-up value of each share);

(3) the balance, if any, shall be added to the reserve fund.

All undisbursable and indivisible profits shall be added to the reserve fund.

RESERVE FUND.

55. The reserve fund shall be invested in such manner as the Registrar of Co-operative Societies prescribes. The fund shall be one and indivisible. It belongs to the society as a whole and is intended to meet unforeseen losses. No member can claim a specified share in it. It shall not be drawn upon except with the sanction of the Registrar. Even if the society be dissolved, the reserve fund if not absorbed by losses shall not be divided amongst its members but shall be devoted to some public purpose at the discretion of the general body.

If, however at any time, the general body resolves to split the society into more than one society by excluding portion of the existing area of operations from the area of operations of the society and a new society or societies be registered to cover the area so excluded, a portion of the reserve fund shall be transferred to the new society or societies as decided upon by the general body which resolve upon the splitting of the society.

MISCELLANEOUS.

56. No amendment to, alteration in, or cancellation of, a by-law nor the enactment of a new by-law shall be made except at a general meeting of the members or shall take effect until it shall have been approved by the Registrar.

57. Should any doubt arise as to the construction of the act or any by-law, the Board of Directors shall refer the same to the Registrar of Co-operative Societies for advice and act according to his advice.

58. Within fifteen days after the close of the co-operative year ending June 30th, the society shall prepare (1) a statement showing the receipts and disbursements during the past year, (2) a statement showing the assets and liabilities as they stood on the last day of such year, and (3) a statement showing the profit and loss for the year. These three statements shall be submitted to the Registrar without delay. After the Registrar has verified these three statements and granted his audit certificate, the society shall publish the statements in a manner approved of by the Registrar.

59. If any dispute, arises touching the business of the society between members or past members of the society or persons claiming through a member or past member or between a member or past member or persons so claiming and the Board of Directors, the party or parties concerned may refer the matter in writing to the Registrar. Similarly in the case of a dispute relating to a debt due to the society by a member or past member or persons claiming through a member or past member a reference in writing may be made by either party to the Registrar. It shall be open to the Registrar to decide the dispute himself or refer it to an arbitrator or arbitrators as provided in clause 2 of rule XII framed under section 43 of the Act by Government. The decision or award of the Registrar or of the arbitrator or arbitrators as the case may be, shall be final and it shall be presented for execution to the civil court having jurisdiction over the society.

60. Should any sum belonging to the Society, be either stolen or otherwise lost and found irrecoverable it shall be open to the general body to write off such amount, after obtaining the sanction of the Union to which the society is *affiliated* or the Registrar in case the Society is not *affiliated* to any Union.

APPENDIX.

61. When a mortgage deed is executed by a member, the Board of Directors shall insist on all persons interested in the property joining in the execution whether such persons are themselves members or not.

62. When a member who has mortgaged a house or building to the society desires to make any addition, improvement or other alteration to the same he shall apply to the Board of Directors for permission to do so and he shall not make any alteration before obtaining such permission. Before according sanction the Board may call for a plan showing the alterations proposed and may insist upon security being furnished for the mortgage amount pending completion of the work. The Board of Directors shall not in any case permit an alteration which is likely to reduce the market value of the mortgage property so as to endanger the security.

63. In the case of an application for a loan on the security of immovable property, the application shall be accompanied by the title-deeds and other document relating to the property. All immovable property proposed to be mortgaged shall be inspected by two members of the Board of Directors who may be deputed to do so by the Board. The surveyors so appointed shall submit an accurate estimate of the market value of the immovable property and a report of all persons having any interest in such property. In each case, the applicant for the loan, shall pay an estimate fee of 4 annas for every Rs. 100 of the loan applied for.

(1) The fee collected under this by-law shall be paid to the two members of the Board of Directors who act as surveyors.

(2) Members of the Board of Directors appointed surveyors shall, in all cases, be held strictly responsible for the correctness of their reports, estimates and valuations.

(3) It shall be competent to the Board of Directors to reject any report, estimate or valuation made by any surveyor on the basis of information at their disposal.

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PART II.

Reports of Decided Cases.

PATNA HIGH COURT.

Criminal Revision No. 497 of 1920.

November 15, 1920.

Present:—Mr. Justice Jwala Prasad.

GOBIND BEHARI AND OTHERS—PETITIONERS

versus

EMPEROR—OPPOSITE PARTY.

Criminal Procedure Code Ss. 421 and 367 :-

An Appellate Court in dismissing an appeal under S 421, must record an order giving reasons for the dismissal showing that the points raised were duly considered. An order such as "The appeal is dismissed summarily" is not in compliance with the requirments of the law as laid down in section 367 and is illegal.

Application against the order passed by the District Magistrate, Darbhanga, dated the 26th August 1920.

Mr. *Janak Kishore*, for Mr. *Hasan Jan*, for the Petitioners.

JUDGMENT.—This is an application against the order of the District Magistrate of Darbhanga, dated the 26th of August 1920, dissmissing, summarily, an appeal of the petitioner against the conviction and sentence passed by the Bench of the Honorary Magistrate of that district, dated the 9th August 1920.

The order dismissing the appeal runs in the following words:—

"The appeal is dismissed summarily."

This is not at all in compliance with the requirements of the law laid down in section 367 of the Code of Criminal Procedure, relating to the recording of judgments. Section 421 of the Code of Criminal Procedure, no doubt, empowers the Appellate Court to dismiss an appeal summarily, but in doing so, it must record an order giving reasons for the dismissal, and showing that the points raised were duly considered by it. This view is now supported by a string of authorities in this Court and the illegality of such an order has been pointed out more than once. (*Vide Sheo Narayan Raut* v. *Emperor* (1) *Ram Kant Pandit* v. *Emperor*.)

(1) 42 Ind. Cas. 722; 1 P. L. W. 673; 18 Cr. L. J. 994.

(2) *Gurubari Behera* v. *Emperor* (3) and *Sukhdeo Pathak* v. *Emperor* (4.)

The learned Vakil for the petitioner points out that the appellant was not heard at all, inasmuch as the appeal was filed before the Joint Magistrate in the absence of the District Magistrate and was put up before him subsequently, who dismissed it without hearing the appellant. This aggravates the illegality of the order passed by the District Magistrate. No cause has been shown nor any explanation submitted by the Magistrate.

The appeal before the District Magistrate has not, therefore, been disposed

(2) 44 Ind. Cas 208; 4 P. L. W. 212; 19 Cr. L. J. 304.

(3) 43 Ind. Cas. 439; 2 P. L. J. 695; 19 Cr. L. J. 151; 4 P. L. W. 153.

(4) 43 Ind. Cas. 785; 3 P. L. J. 389; 4 P. L. W. 39; 19 Cr. L. J. 202; (1918) Pat. 287.

of according to law. The order of the District Magistrate dismissing the appeal is set aside and the case is remanded to him for disposing of it in accordance with law.

(S. C. 61 Ind. cas. 49.)

Case remanded.

Cr. L. J. Vol. xxii. p. 321.

PATNA HIGH COURT.

Criminal Revision No. 486 of 1920.

November 5, 1920.

Present:—Mr. Justice Jwala Prasad.

KHEDAN MAHTO—2ND PARTY—PETITIONER

versus.

HUSSAINI KALAL–OPPOSITE-PARTY.

"An order under section 146 of the Code of Criminal Procedure can only be passed when the Magistrate, upon a consideration of the evidence, is unable to come to a definite finding as to the possession of either party. In order to show the Magistrate's inability to decide the question of possession, he ought to have discussed the evidence and given reasons for his inability."

An order in the from of:—"Four witnesses examind on either side. Arguments heard. Orders passed attaching the land in dispute under section 146 of the Code of Criminal Procedure," is without jurisdiction and can be set aside in revision.

Rule granted against an order passed by the First Class Magistrate, Hazaribagh. dated the 8th Setepmber 1920.

Mr. *B. C. De*, for the Petitioner.

Mr. *S. S. Bore*, for the Opposite Party.

JUDGMENT.—The Rule must be made absolute and the order of the Magistrate dated the 8th September 1920, attaching the land in dispute under section 146 of the Code of Criminal Procedure, be set aside. This order was passed in a proceeding under section 145 of the Code. The Magistrate examined witnesses on both sides and concluded the enquriy by the followiug order of the 8th September:—

"Four witnesses examined on either side. Arguments heard. Orders passed attaching the land in dispute under section 146 of the Code of Criminal Procedure."

No reason has been given by the Magistrate for passing the order under the section. An order under section 146 of the Code of Criminal Procedure can only be passed when the Magistrate, upon a consideration of the evidence, is unable to come to a definite finding as to the possession of either party. In order to show the Magistrate's inability to decide the question of possession, he ought to have discussed the evidence in the case and given reasons for his inability. A similar order was set aside as being without juirisdiction: *vide Mukhim Singh* v, *Nathuni Kahar* (1). I entirely agree with the view taken in that case.

Accordingly, I set aside the order passed by the Magistrate and direct that in case of any danger to a breach of the peace he will institute regular proceeding under section 145 of the Code of Criminal Procedure and dispose of it in accordance with law. Both the parties are dissatified with the order in question.

(S. C. 61 Ind. cas 51.)

Rule made absolute.

(1) 15 C. W. N. 71 *note,*

Cr. L. J. Vol. xxii p. ...

BOMBAY HIGH COURT.

Criminal Application for Revision No. 378. for 1920.

December 2, 1920.

Present:—Sir Norman Macleod, Kt., Chief Justice, and Mr. Justice Shah.

Babu SANTU JADHAV—Accused.

versus.

EMPEROR—Opposite Party.

Indian Penal Code Sec. 279.

Drivers have no business to attempt to pass a car in front of them by going on to the wrong side of the road unless they can see the road, in front, is so absolutely clear of traffic coming from the opposite direction that they can get back again on to the right side of the road without any risk of accident.

Criminal application for revision from conviction and sentence passed by the Third Presidency Magistrate.

Mr. *G. N. Thakor,* for the Applicant.

JUDGMENT.

Macleod, C. J.—The accused was charged under section 279, Indian Penal Code, with having driven a Motor Car No. 7559 in such a rash and negligent manner as to endanger human life, having collided with Victoria No. 1 and damaged it. The magistrate found the accused guilty and sentenced him to two months' rigorous imprisonment, and also directed his licence to be suspended for twelve months. We are asked to interfere in revision. It is imposible to say that the conviction was wrong. The only way in which we could possibly interfere would be as regards the sentence. Speaking for myself, I am very anxious to avoid interfering with the sentences of subordinate Courts unless there are sufficient [illegible]ons for such interference. The fact that, if I had tried the offence myself, I might have inflicted a lesser sentence is not a sufficient reason, for if that were so, we should be asked to interfere with every sentence which is passed. The sentence to be passed after conviction must be left to the Judge or Magistrate who tries the case, and I do not think we ought to interfere in revision unless the sentence is so severe or so lenient that it can be said that a proper discretion has not been exercised.

In this case the evidence has satisfied the Magistrate that the accused, while driving his master's car over the Wodehouse Bridge going towards Colaba, collided with a Victoria coming from the opposite direction, as a result of his rash and negligent driving. As it is not proved that the Victoria was on the wrong side of the road, and, as a matter of fact, a Victoria would be keeping close to the footpath, it is obvious that the accused, when the collision occurred, was on the wrong side of the road. Therefore, he had to satisfy the Court that he had not been rash or negligent in driving the car on to the wrong side of the road. The accused's explanation, however, was that a car which was in front of him stopped so suddenly that he got on the wrong side in order to save his own life. Now, if the accused was driving his car so very close to the car in front of him that he could not pull up to avoid a collision then he could not have turned his car out to the wrong side of the road. So there must have been some distance between his car and the car in front. It is obviously the duty of a driver to see he does not approach so near to the car in front of him that he cannot avoid a collision if that car slackens speed or stops. The accident t[illegible] place

in the evening before the lamps were ilghted. At that time there would be a great deal of traffic on the Wodehouse Bridge and, consequently, drivers going up the Bridge could not, or certainly ought not, to be going very fast. Admittedly, as the accused was able to pull out his car on to the wrong side of the road without touching the car in front of him, there must have been ample distance between his car and the car in front to enable to him to pull up to avoid a collision if he was going at a proper speed considering the state of the traffic. There is only one alternative theory left and that is, that the accused was attempting to pass the car in front of him when there was a considerable amount of traffic and when he could not possibly pass the car without going on to the wrong side of the road. In any event, therefore, the accused was rightly convicted of rash and negligent driving. It was only his good fortune that no further damage was done than what actually resulted from the accident.

It was contended that the occupants of the car should have been called as witnesses for the prosecution. That was not necessary. If they were as anxious then, as they appear to be now, to exculpate the accused, they ought to have offered themselves as witnesses for the defence. It is quite irregular for such a person to make an affidavit in support of an application for revision.

The next question is, whether the sentence of two months' rigorous imprisonment and the suspension of the accused's license is too severe. Drivers have no business to attempt to pass a car in front of them by going on to the wrong side of the road unless they c[illegible]ee the road in front is so absolutely clear of traffic coming from the opposite direction that they can get back again on to the right side of the road without any risk of accident. It is only when the road is so clear that there can be no possible chance of an accident that any attempt should be made to pass the car in front of the driver. It is, in consequence of the neglect to observe this rule that so many accidents occur in Bombay, and so much risk is incurred by the cars with their passengers which keep to the right side of the road at a proper speed. No doubt, there are many cases in which drivers, though guilty of rash and negligent driving, escape prosecution because they have been lucky enough to avoid an accident. But it does not follow that because no accident has occurred the driver has not been guilty of rash and negligent driving so as to endanger life. I think the Magistrate was right in imposing a severe sentence in this case and I cannot say that he exercised his discretion so improperly that this Court ought to interfere in revision. It may very well be that another Magistrate or the Judges who have heard this appplic[illegible] tion, if they had tried the case, migh[illegible] have imposed a less severe sentence but that, as I have pointed out, is no[illegible] the question we have to consider.

SHAH, J.—I agree entirely with th[illegible] reasons given by my Lord the Chief Justice for not interfering with the conviction. As regards the sentence, though it appears to me to be severe, it is not so unduly severe as to demand our interference in revision.

S. C 61 Ind. cas. 52 (52.)

Application rejected.

PATNA HIGH COURT.

Criminal Revision No. 453 of 1920.

November 8, 1920.

Present:—Mr. Justice Jwala Prasad.

RAJBALAM RAI AND OTHERS—2ND PARTY—PETITIONERS

versus

NAWLAKH SINGH AND OTHERS—1ST PARTY—OPPOSITE PARTY.

Criminal Procedure code Ss. 133 and 137:—

The dispute under section 133 is of a public nature and the Magistrate has jurisdiction over such dispute only because of its being of a public nature. For obvious reasons, the law has not provided for the matter under section 133 to be decided by arbitration. The jury is provided for simply because the question of fact involved in the dispute may very well be dealt with by the jury but the Magistrats has still jurisdiction over it.

Mr. *S. P. Varma* for the Petitioners.

Mr. *G. C. Pal*, for the Opposite Party.

JUDGMENT.—The Rule must be made absolute. In pursuance of the notice issued under section 133 of the Code of Criminal Procedure, at the instance of the first party, the second party appeared on the 2nd of May.

At first, there was an application for the appointment of a Jury, but afterwards the second party wanted to give evidence. This they were allowed to do and 19th May was fixed for the hearing.

The order was obviously under section 137 of the Code of Criminal Procedure. On the 19th May the parties applied to have the case referred to three arbitrators named by them, and stated that they would abide by their decision.

On the 14th June, award was filed signed by two of the arbitrators and the first party. One of the arbitrators and the second party declined to sign the award.

The second party applied to adduce evidence in the case and decide the case upon evidence, and not upon the award of the arbitrators, which they impugned to be unjust and partial and without the documentary evidence of the second party having been taken into consideration.

The Magistrate refused the prayer of the second party and made the order under section 133 of the Code absolute aginst the other party in terms of the award.

The District Magistrate was also of the same opinion and by his order of the 17th July, rejected the petition of the second party to move the High Court for setting aside that order.

The ground upon which the Courts below support the order made by them is, that as the second party agreed to have the matter decided by arbitration, they are bound by the award of the majority. The learned District Magistrat observes:—

"By taking time to compromise the matter, the present applicant gave up the right (which he othervise had) to have a Jury or produce evidence."

The Code of Criminal Procedure contemplates the matter in dispute under section 133 to be decided by a Jury or by evidence recorded by the Magistrate. In the present case, the second party chose the latter course and on the 7th of May they intimated that they would give evidence. The case, therefore, came under section 137 and should have been decided upon

evidence recorded, as in a summons case. The dispute under section 133 is of a public nature and the Magistrate has jurisdiction over such dispute only because of its being of a public nature. For obvious reasons, the law has not provided for the matter under section 133 to be decided by arbitration. The Jury is provided for simply because the question of fact involved in the dispute may very well be dealt with by a Jury, but the Magistrate has still jurisdiction over it. I do not think that the fact that the parties agreed to refer the matter to arbitration, absolves the Magistrate from deciding the case in accordance with section 137 of the Code upon the evidence recorded by him, inasmuch as the question of having the matter decided by a Jury was set at rest by the order of the 7th of May.

Again, neither in the petition, nor in the order of the Magistrate, there is anything to indicate that the decision of the majority will prevail. Though it is the common principle that, in a matter to be dealt with by arbitration, the opinion of the majority of the arbitrators has to be taken as a decision of the entire body, yet in a case under section 133, which is not ordinarily within the cognizance of arbitration, I do not think the ordinary rule would apply.

In the third place, the second party impugned the *bona fides* of the enquiry held by the arbitrators and the award made by them. The magistrate did not enquire into the allegations of the complainants.

For all these reasones, I think the order of the Magistrate is irregular, illegal and without jurisdiction and must be set aside. This view is in accordance with the authorities on the subject: *vide Sarojbasini Devi* v. *Sripati Charn Chowdhury* (1), *Upendra Nath Mandal* v. *Bampal* (2), *Paresh Nath Biswas* v. *Emperor* (3), *Haldhar Sihgh* v. *Bulaki Singh* (4), *Balbhadra Prasad* v. *Emperor.* (5) and *Chandra Mandal* v. *Ram Mandal* (6.)

I accordingly set saide the order of the Magistrate, dated the 14th June 1920, and remand the case to him for decision in accordance with law, after giving an opportunity to the parties to adduce evidence under section 137 of the Code

S. C. 61. Ind. cas 55.

Rule made absolute.

(Cr. L. J. Vol xxii p 327.)

(1) 28 Ind. Cas. 799; 42 C. 702; 19 C. W N. 332; 16 Cr. L. J. 415.

(2) 4 Ind. Cas. 436; 10 C. L. J. 482; 11 Cr. L. J. 1.

(3) 13 C. W. N. cclxxxiii (283).

(4) 44 Ind. Cas. 122; 3 P. L J. 218; 19 Cr. L. J. 266.

(5) 38 Ind. Cas. 1008; 1 P. L. W. 292; 18 Cr. L. J. 448

(6) 40 Ind. Cas. 738; 25 C. L. J.: 349; 21 C. W. N. 926; 18 Cr. L. J. 738.

PATNA HIGH COUT.

Criminal Reference No. 65 of 1920.

November 3, 1920.

Present: —Mr. Justice Jwala Prasad.

BALRAM SAHU—COMPLAINANT.

versus.

CHAMRU SAHU—OPPOSITE PARTY.

Criminal Procedure Code (Act V of 1898), s. 522 Penal Code (Act XLV of 1860, ss 349, 350, 448.

A conviction for an offence of criminal trespass will not entitle the complainant to

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seek his remedy under section 522 of the Criminal Procedure Code, unless there is a finding of the Court convicting the accused that the offence with which the dispossession was effected was attended with the use of criminal force, as defined in section 350 of the Penal Code.

The definitions of terms 'force' and 'criminal force' given in the Indian Penal Code Sections 349 and 350 would apply to those terms used in section 522 of the Code of Criminal Procedure Code wherein they are not defined.

Criminal reference by the District Magistrate, Monghyr, under section 438, Criminal Procedure Code.

JUDGMENT.—This is a reference under section 438 of the Code of Criminal Procedure, by the District Magistrate of Monghyr, recommending that the order of the Deputy Magistrate, dated the 23rd July 1920, refusing to restore the possession of the disputed house under section 522 of the Code of Criminal Procedure, to the complainant, be set aside.

The complainant is the owner of an unoccupied house in Jamalpur, which he kept locked up. The opposite party broke open the lock at night and took possession of the house for which he was convicted of an offence under section 448, Indian Penal Code. He then applied to the Magistrate for the restoration of the possession of the house to him. The Deputy Magistrate refused the application in the following words:—

"In the present instance the accused, Chamru Sahu, occupied the house of Balram Sahu at midnight. Balram Sahu was not present there and the house was kept in his possession. The accused is convicted under section 448, Indian Penal Code, but it does not appear that any criminal force was used by the accused. I accordingly fail to see the application of the section in this case and reject the application."

Against this order, the petitioner moved the District Magistrate, who has now referred the case to this Court, recommending that the order of the Deputy Magistrate be set aside and the house be directed to be restored to the complainant, on the ground that the order passed by the Deputy Magistrate was an illegal one.

Section 522 of the Code of Criminal Procedure makes it clear that the Magistrate can direct a person to be restored to the possession of a property only when the accused is "convicted of an offence attended by criminal force and that by such force" the said preson was "dispossessed of any immoveable property."

"Force" and "criminal force" have been defined in sections 349 and 345 of the Indian Penal Code. The definitions given in these sections contemplate of criminal force being used to any "person" and do not take into account such force being used to "any matter or substance."

It would thus appear that, in causing dispossession of any person from immoveable property by means of an offence, the offence must be attended by criminal force to the person. It is, therefore, clear, that *a conviction for an offence of criminal trespass will not necessarily entitle the complainant to seek his remedy under section 522 of the Code of Criminal Procedure, unless there was a finding of the Court convicting the accused that the offence with which the dispossession happ[illegible]d was attended with use of crimi[illegible]* This

is now the accepted view of all the Courts in India: *Churaman* v. *Rhm Lal* (1), *Narayan Gvbind* v. *Visan* (2), *Batakala Pottiavadu, In re* (3) *Kaon* v. *Emperor* (4), *Mohunt Luchmi Das* v. *Pallat Lall* (5) and *Ishan Chandra v. Dina Nath* (6). The matter was set at rest in Calcutta by a Full Bench decision in the case of *Mohini Mohan Chowdhury* v. *Harendra Chandra Chowdhury* (7) and resently by a Division Bench of that Court in *Sadasib Mandal* v. *Emperor* (8). The learned District Magistrate bases his view upon a scientific definition of the words "force" and "criminal force." The former he defines as the exertion of energy directed to the production of a change in the outer force and the latter as an exertion of such energy in order to the committing of an offence. In his view, there is no reason why in law the "force" and "criminal force" should be directed against a person and not against any property He says that the words "force" and "criminal force" used in section 522 of the Code of Criminal Procedure are not restricted by their definition in sections 349 and 350, Indian Penal Code.

Section 4, sub-section (2), makes the definitions of "words" and "expressions" given in the Indian Penal Code applicable to those used in the Criminal Procedure Code, unless otherwise defined in the latter Code. There is no definition given in the Code of Criminal Procedure of "force" and "criminal force." Hence the definitions of these terms given in the Indian Penal Code in sections 349 and 350 would apply to those terms used in section 522 of the Code of Criminal Procedure. The other day I myself held that the criminal force mentioned in section 522 must have been applied to human body, and not to property. This has been the view of all the Courts in India, as observed above. In view of these authorities, I am not prepared to accept the definition given by the learned District Magistrate. The view taken by me is in accordance with the true construction, meaning and scope of section 522 of the Code of Criminal Procedure. The Deputy Magistrate was right in rejecting the application of the complainant to restore the possession of the house to him. I, therefore, decline to accept the reference and the recommendation of the District Magistrate.

The result is, that the order of the Deputy Magistrate, dated the 23rd July 1920, is confirmed and the application against that order by the complainant in the Court of the District Magistrate, and the Rule issued by him on that application, are respectively dismissed and discharged.

Rule discharged.

(Cr. L. J. Vol. xxiii p. 329.)

(1) 25 A. 331; A. W. N. (1903) 59.

(2) 28 B. 494; 12 Ind Dec (N. S.) 329.

(3) 26 M. 49; 2 Weir 675; 12 M. L. J. 447

(4) 42 Ind. Cas. 130; 62 P. L. R. 1917; 33 P. W R. 1917 Cr; 18 Cr. L. J. 898.

(5) 28 W. R. 54 Cr.

(6) 27 C. 174; 4 C. W. N. 307; 14 Ind. Dec. (N. S.) 115.

(7) 31 C. 691; 8. C.W.N. 538; 1 Cr. L .J. 453

(8) 26 Ind. Cas. 168; 18 C. W N. 1150; 15 Cr. L. J. 729.

S. C. [illegible] cas. 57.

The M… …rs' Central Associa… …ore.

S… of Receipts and Expenditure for the half-year ending 30th June 1921.

RECEIPTS.		Rs. A. P.	Rs. A. P.
…cember '20	By Central Association ...	11 0 0	
			11 0 0
January 1921	Do. ...	67 8 0	
			67 8 0
February '21	Do. ...	51 8 0	
	By Vizag. District ...	24 0 0	
	S. Canara ...	10 0 0	
	Nellore	34 0 0	
	Coimbatore ...	30 0 0	
	Calicut, S. Malabar ...	38 0 0	
	Individual S. I's of Several Districts ...	65 8 0	
			253 0 0
March '21	By Central Association ...	17 8 0	
	Nellore Diistrict ...	30 0 0	
	Coimbatore ...	33 0 0	
	Chingleput ...	62 0 0	
	By individual Sub-Inspectors of Several Districts ...	17 0 0	
			159 8 0
April '21	By Krishna Dt., Association...	25 0 0	
			25 0 0
May '21	Do.	25 0 0	
			25 0 0
June '21	By Nellore Dt. Association...	25 0 0	
	Coimbatore ...	33 0 0	
	By Individual Sub-Inspectors of Several Districts ...	2 8 0	
			60 8 0
	Total Rs		601 8 0

EXPENDITURE.		Rs. A. P.	Rs. A. P.
December '20.	Stationery ...	4 7 6	
	Printing ...	25 0 0	
	Postage ...	1 8 0	
			30 15 6
January '21.	Stationery ...	8 3 0	
	Printing ...	4 8 0	
	Postage ...	32 4 0	
	Sundries ...	0 6 0	
			45 5 0
February '21.	Stationery ...	10 0 0	
	Printing ...	37 12 3	
	Postage ...	14 0 0	
	Conference ...	50 10 3	
	Telegram charges ...	31 9 0	
	Deputation expenses ...	32 2 3	
	Furniture ...	3 0 0	
	Loan ...	20 0 0	
			199 1 9
March '21.	Stationery ...	1 11 6	
	Printing ...	60 0 0	
	Postage ...	24 8 0	
	Propaganda ...	10 0 0	
	Sundries ...	1 11 0	
	Furniture ...	30 11 0	
			128 9 6
April '21.	Printing ...	25 0 0	
			25 0 0
May '21.	Nil.		
June '21.	Printing ...	10 0 0	
	Sundries ...	0 12 0	
			10 12 0
	Cash on hand with Secretary ...		161 12 3
	Total Rs.		601 8 0

Audited by : H. G. RAMACHANDRA RAO & V. GOPALA IYER.

C. SIVAPRAKASA MUDALIAR,
Secretary.

Note —Guntur and Madura Districts have since sent in their 1st contributions.

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TO THE SUB-INSPECTORS AND ALL DISTRICT ASSOCIATIONS IN THE PRESIDENCY.

Overleaf will be found printed the accounts of the Central Association, Vellore, for the half year ending June 1921, duly audited. Secretaries of District Associations are requsted to forward to the Journal their periodical accounts and proceedings etc., of meetings held. When on this topic, undersigned would, with all the earnestness at his command, request every Police Officer who subscribes for the journal, to send us his half yearly fees in advance, on receipt of the first number. Then only, we will be in a position to estimate the number of copies necessary for the second and subsequent issues. Without some such guide before us, it is evident that the number of copies we print, wi either be more or less than the actual need there is for it. It is to avoid thi loss and confusion, we make this appeal to all Police officers to send us thei subscriptions in advance, or to write to us to recover the same by sending then the next number by V. P. P.

All remittances may kindly be sent to the Secretary to the Police Sub Inspectors Central Association, Vellore.

VELLORE,
17-9-1921.

C. SIVAPRAKASAM,
Secretary.